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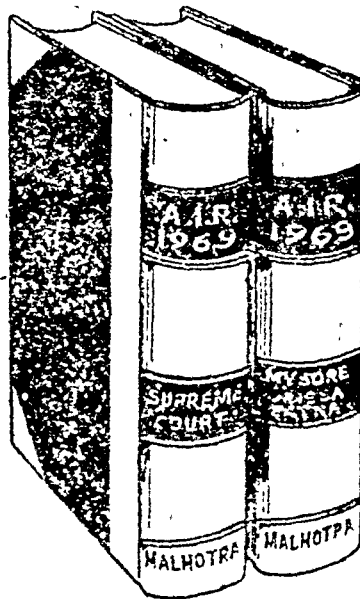
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1969

[Vol. 56]

INDIAN ACTS SECTION

C O N T A I N I N G

ACTS OF THE PARLIAMENT ASSENTED TO BY THE PRESIDENT

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25. Certified copy of entries to be evidence.

Every certified copy purporting to be signed by the Marriage Officer of an entry of a marriage in the Marriage Certificate Book shall be received in evidence without production or proof of the original.

26. Correction of errors.

(1) Any Marriage Officer who discovers any error in the form or substance of any entry in the Marriage Certificate Book may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other witnesses, correct the error by entry in the margin without any alteration of the original entry and add thereto the date of such correction.

(2) Every correction made under this section shall be attested by the witnesses in whose presence it was made.

27. Act not to affect validity of marriages outside it.

Nothing in this Act shall in any way affect the validity of a marriage solemnized in a foreign country otherwise than under this Act.

28. Power to make rules.

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the duties and powers of Marriage Officers and their districts;

(b) the manner in which a Marriage Officer may hold any inquiry under this Act;

(c) the manner in which notices of marriage shall be published;

(d) the places in which and the hours between which marriages under this Act may be solemnized;

(e) the form and the manner in which any books required by or under this Act to be kept shall be maintained;

(f) the form and manner in which certificates of marriages may be entered under sub-section (5) of section 17;

(g) the fees that may be levied for the performance of any duty imposed upon a Marriage Officer under this Act;

(h) the authorities to which, the form in which and the intervals within which copies of entries in the Marriage Certificate Book shall be sent, and, when corrections are made in the Marriage Certificate Book, the manner

in which certificates of such corrections shall be sent to the authorities;

(i) the inspection of any books required to be kept under this Act and the furnishing of certified copies of entries therein;

(j) the manner in which and the conditions subject to which any marriage may be recognized under section 23;

(k) any other matter which may be, or requires to be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

29. Amendment of Act 43 of 1954.

In the Special Marriage Act, 1954,—

(a) in section 1, in sub-section (2), for the words "outside the said territories," the words "in the State of Jammu and Kashmir" shall be substituted;

(b) in section 2, clauses (a) and (c) shall be omitted:

(c) in section 3, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) For the purposes of this Act, in its application to citizens of India domiciled in the territories to which this Act extends who are in the State of Jammu and Kashmir, the Central Government may, by notification in the Official Gazette, specify such officers of the Central Government as it may think fit to be the Marriage Officers for the State or any part thereof;"

(d) in section 4, for clause (e), the following clause shall be substituted, namely:—

"(e) where the marriage is solemnized in the State of Jammu and Kashmir, both parties are citizens of India domiciled in the territories to which this Act extends;"

(e) in section 10, for the words "outside the territories to which this Act extends in respect of an intended marriage outside the said territories," the words "in the State of Jammu and Kashmir in respect of an intended marriage in the State" shall be substituted;

(f) in section 50, in sub-section (1), the words "diplomatic and consular officers and other" shall be omitted.

30. Repeal.
The Indian Foreign Marriage Act, 1908, is hereby repealed.

THE FIRST SCHEDULE
(See section 5)

FORM OF NOTICE OF INTENDED MARRIAGE

To
The Marriage Officer
for.....
We hereby give you notice that a marriage under the Foreign Marriage Act, 1969 is intended to be solemnized between us within three months from the date hereof.

Name and father's name	Condition	Occupation	Date of birth	Dwelling place	Permanent dwelling place and present dwelling place if not permanent	Length of residence in the present dwelling place
<hr/>						
A.B.	Unmarried					
	Widower					
	Divorcee					
O.D.	Unmarried					
	Widow					
	Divorcee					

Witness our hands, this.....day of.....
19.....
Sd. A.B.
Sd. O.D.

THE SECOND SCHEDULE
(See section 12)

DECLARATION TO BE MADE BY THE
BRIDEGROOM

I, A.B., hereby declare as follows :—
1. I am at the present time unmarried (or a widower or a divorcee, as the case may be).
2. I have completed.....years of age.
3. I am not related to O.D. (the bride) within the degrees of prohibited relationship.
4. I am a citizen of.....
(to be filled up)
5. I am aware that, if any statement in this declaration is false, I am liable to imprisonment and also to fine.
Sd. A.B. (the bridegroom)

DECLARATION TO BE MADE BY THE
BRIDE

I, O.D., hereby declare as follows:—
1. I am at the present time unmarried (or a widow, or a divorcee, as the case may be).

2. I have completed.....years of age,
3. I am not related to A.B. (the bridegroom) within the degrees of prohibited relationship.
4. I am a citizen of.....
(to be filled up)
5. I am aware that, if any statement in this declaration is false, I am liable to imprisonment and also to fine.
Sd. O.D. (the bride)

Signed in our presence by the above named A.B. and O.D. So far as we are aware, there is no lawful impediment to the marriage.

Sd. G.H. }
Sd. I.J. } Three witnesses.
Sd. K.L. }

(Countersigned) E.F.
Marriage Officer

Dated the.....day of.....19.....

THE THIRD SCHEDULE

(See section 14)

FORM OF CERTIFICATE OF MARRIAGE

I, E.F., hereby certify that on the..... day of.....19.....A.B. and C.D.....
*appeared before me and that the declaration required by section.....† of the Foreign Marriage Act, 1969, was duly made, and that a marriage under that Act was solemnized between them in my presence and in the presence of three witnesses who have signed hereunder.

Sd. E.F.

Marriage Officer.

Sd. A.B. (bridegroom)

Sd. C.D. (bride)

Sd. G.H. }

Sd. I.J. }

Sd. K.L. }

Three witnesses.

Dated theday of.....19.....

*Herein give particulars of the parties.

†To be entered.

THE BANARAS HINDU UNIVERSITY
(AMENDMENT) ACT, 1969

(Act 34 of 1969)*

[31st August, 1969]

An Act further to amend the Banaras Hindu University Act, 1915.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

1. Short title and commencement.

(1) This Act may be called the Banaras Hindu University (Amendment) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 7B.

In section 7B of the Banaras Hindu University Act, 1915 (hereinafter referred to as the principal Act),—

(i) for sub-sections (1) and (2), the following sub-section shall be substituted, namely :—

"(1) The Vice-Chancellor shall be appointed by the Visitor on the recommendation of a Selection Committee constituted by the Visitor for the purpose:

*Received the assent of the President on 31.8.1969. Act published in Gaz. of Ind., 31.8.1969, Pt. II-S. 1, Ext., p. 355.

For Statement of Objects and Reasons, see Gaz. of Ind., 12.8.1969, Pt. II-S. 2, Ext., p. 817.

Provided that, if the Visitor does not approve of such recommendation, he may call for one or more fresh recommendations.";

(ii) in sub-section (4), for the words "five years," the words "three years" and for the words "ineligible for re-appointment to that office," the words "eligible for re-appointment to that office for a second term" shall be substituted.

3. Amendment of section 7C.

In section 7C of the principal Act,—

(i) in sub-section (2), the words, "the Standing Committee of the Academic Council" shall be omitted;

(ii) in sub-section (4), for the words, "the Academic Council and the Standing Committee of the Academic Council," the words "and the Academic Council" shall be substituted.

4. Amendment of section 8A.

In section 8A of the principal Act, clause (d) shall be omitted.

5. Substitution of new section for sections 9 and 9A.

For sections 9 and 9A of the principal Act the following section shall be substituted namely :—

The Court.

"9. The Court shall be an advisory body and its functions shall be—

(a) to advise the Visitor in respect of any matter which may be referred to it for advice;

(b) to advise any authority of the University in respect of any matter which may be referred to the Court by such authority; and

(c) to perform such other duties and exercise such other powers as may be assigned to it by the Visitor or under this Act."

6. Amendment of section 10.

In section 10 of the principal Act, in sub-section (1), for the word "Court," the word "Visitor" shall be substituted.

7. Omission of section 12.

Section 12 of the principal Act shall be omitted.

8. Amendment of section 13.

In section 13 of the principal Act, in sub-section (2), the words "to the Court and" shall be omitted.

9. Amendment of section 17.

In section 17 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (b), for the words "the election and appointment," the words "the appointment by election, nomination or otherwise" shall be substituted;

(b) in clause (r), the words "the Standing Committee of the Academic Council," shall be omitted;

(ii) sub-section (7) shall be re-numbered as sub-section (4) and for sub-sections (3), (4), (5) and (6), the following sub-section shall be substituted, namely :—

"(3) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes."

10. Amendment of section 18.

In section 18 of the principal Act, for sub-sections (5), (6), (7) and (8), the following sub-sections shall be substituted, namely:—

"(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Visitor who may pass such order thereon as he thinks fit.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor who may disallow any such Ordinance or remit it to the Executive Council for further consideration.

(7) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order."

11. Amendment of section 19.

In section 19 of the principal Act, in the proviso to sub-section (3), for the word "Court," the word "Visitor" shall be substituted.

12. Amendment of Statutes.

Notwithstanding anything contained in the principal Act, the Statutes of the University shall be amended as follows:—

(i) in Statute 9, for clause (3), the following clause shall be substituted, namely:—

"(3) The Rector shall hold office for only so long as the Vice-Chancellor on whose recommendation he was appointed holds office and he shall be eligible for re-appointment:

Provided that notwithstanding the expiry of the term of his office, the Rector shall continue in office until his successor is appointed and enters upon his office."

(ii) in Statute 4,—

(a) in clause (3), the words "the Standing Committee of the Academic Council," shall be omitted;

(b) in clause (4),—

(2) in sub-clause (b), the words "the Finance Committee, the Standing Committee of the Academic Council," shall be omitted;

(2) in sub-clause (c), the words "the Standing Committee of the Academic Council, the Finance Committee," shall be omitted;

(3) in sub-clause (d), for the words "the Academic Council and the Standing Committee of the Academic Council", the words "and the Academic Council" shall be substituted;

(iii) for Statute 10, the following Statute shall be substituted, namely:—

The Court.

"10. (1) The Court shall consist of the following members, namely:—

(a) the Chancellor, *ex officio*,

(b) the members of the Executive Council, *ex officio*,

(c) three persons, being Heads of Departments of Studies or Principals of Colleges of the University, nominated by the Visitor,

(d) two persons, being Professors from Departments of Studies or Colleges of the University, nominated by the Visitor,

(e) two persons from among teachers of the University, other than Professors, nominated by the Visitor,

(f) three representatives of Parliament, two to be nominated by the Speaker of the Lok Sabha from among the members thereof and one to be nominated by the Chairman of the Rajya Sabha from among the members thereof, and

(g) thirty persons nominated by the Visitor from among persons who are men of standing in public life or have special knowledge or practical experience in education or have rendered eminent services in the cause of education.

(2) Seventeen members of the Court shall form the quorum.

(3) All members of the Court, other than *ex officio* members, shall hold office for a term of three years."

(iv) for Statute 14, the following Statute shall be substituted, namely:—

The Executive Council.

"14. (1) The Executive Council shall consist of the members, namely:—

(a) the Vice-Chancellor, *ex officio*,

(b) eight persons nominated by the Visitor.

(2) Five members of the Executive Council shall form the quorum.

(3) The members of the Executive Council shall hold office for a term of three years."

(v) in Statute 15, in clause (x), the words "the Standing Committee of" shall be omitted;

(vi) in Statute 18,—

(a) in clause (i), the words "the Court or" shall be omitted;

(b) clause (xv) shall be re-numbered as clause (xxv) and after clause (xiv), the following clauses shall be inserted, namely:—

“(xv) to fix, subject to any conditions accepted by the Executive Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to award the same;

(xvi) to conduct examinations in conformity with the Ordinances and to fix dates for holding them;

(xvii) to declare the results of the various University examinations, or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;

(xviii) to award stipends, scholarships, medals, prizes and to make awards in accordance with the Ordinances and such other conditions as may be attached to the awards;

(xix) to make recommendations to the Executive Council in regard to the appointment of examiners, and if necessary, their removal and the fixation of their fees, emoluments and the travelling and other allowances and the appointment of Boards of Examiners and Moderators;

(xx) to appoint, whenever necessary, Inspectors or Boards of Inspectors for inspecting colleges and institutions applying for admission to the privileges of the University;

(xxi) to publish lists of prescribed or recommended text-books and to publish syllabuses of the prescribed courses of study;

(xxii) to prepare such forms and registers as are, from time to time, prescribed by the Ordinances;

“(xxiii) to appoint committees, for admission to the University;

(xxiv) to appoint, subject to the provisions of Statute 26, committees for such specific purposes as it may deem necessary; and”;

(vii) Statutes 19 and 20 shall be omitted;

(viii) for clauses (1) and (3) of Statute 21, the following clauses shall respectively be substituted, namely:—

“(1) The Finance Committee shall consist of the following members, namely:—

(i) the Vice-Chancellor;

(ii) three persons nominated by the Vistor;

(iii) two persons, who are not employees of the University, appointed by the Executive Council;

(iv) two Deans of Faculties by rotation according to seniority for a term of two years.”;

“(3) Four members of the Finance Committee shall form the quorum.”;

(ix) in Statute 36,—

(a) in clause (1), in condition (iii), the words “the Standing Committee of” shall be omitted;

(b) in clause (3), the words “the Standing Committee of”, wherever they occur, shall be omitted.

13. Transitional provisions.

(1) Every person holding office as a member of the Court or the Executive Council or the Finance Committee, as the case may be, immediately before the commencement of this Act shall, on and from such commencement, cease to hold office as such:

Provided that where any such person held, immediately before such date, any other office in the University, nothing contained in this sub-section shall be construed to affect this continuance in such other office.

(2) Until the Court or the Executive Council or the Finance Committee is constituted in accordance with the provisions of the principal Act as amended by this Act or the Statutes as modified by this Act, the Visitor may, by general or special order, direct any officer of the University to exercise the powers and perform the duties conferred or imposed by or under the principal Act as so amended or the Statutes as so modified on the Court or the Executive Council or the Finance Committee, as the case may be.

(3) Notwithstanding anything contained in the principal Act or the Statutes immediately before the commencement of this Act, where this Act modifies the method of appointment to an office or the term of office of the holder thereof, the holder of such office shall, unless he resigns his office and his resignation is accepted under Statute 30, continue to exercise the functions of that office until his successor is appointed in accordance with the provisions of the principal Act as amended by this Act or the Statutes as modified by this Act and enters upon his office; and for the removal of doubts, it is hereby declared that a person holding any such office as aforesaid immediately before the commencement of this Act shall be eligible for re-appointment to that office.

1	2	3	4	5	6	7	8
"153A(1)	Promoting enmity between classes.	May arrest without warrant	Warrant	Not bailable.	Ditto	Imprisonment of either description for three years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
253A(2)	Promoting enmity between classes in place of worship, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for five years and fine.	Ditto.";

(II) for the entry in column 3 relating to section 154, the entry "Shall not arrest without warrant" shall be substituted;

(III) for the entries in columns 1 to 8 relating to section 505, the following entries shall be substituted, namely :—

1	2	3	4	5	6	7	8
"505(1)	False statement, rumour etc., with intent to cause mutiny or offence against the public peace.	Ditto	Ditto	Not bailable.	Not compoundable.	Imprisonment of either description for three years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
505(2)	False statement, rumour, etc., with intent to create enmity, hatred or ill-will between different classes.	May arrest without warrant.	Ditto	Ditto	Ditto	Imprisonment of either description for three years or fine, or both.	Ditto.
505(3)	False statement, rumour, etc., made in place of worship, etc., with intent to create enmity, hatred or ill-will.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for five years and fine.	Ditto.";

(iv) for the entries in columns 3 and 7 relating to section 506 as applicable to "Criminal intimidation" (first paragraph), the entries "Shall not arrest without warrant" and "Imprisonment of either description for 2 years, or fine, or both" shall, respectively, be substituted.

5. Amendment of section 8.

In section 8 of the Representation of the People Act, 1951, in sub-section (1), for the words, figures and letters "section 171E or section 171F of the Indian Penal Code," the words, figures and letters "section 153A or section 171E or section 171F or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code" shall be substituted.

6. Power to control prejudicial publications.

(1) The Central Government or State Government or any authority so authorised by the Central Government in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of communal harmony and affecting or likely to affect public order, may, by order in writing addressed to the printer, publisher or editor, prohibit the printing or publication of any document or any class of documents of any matter relating to a particular subject or class of subjects for a specified period or in a particular issue or issues of a newspaper or periodical:

Provided that no such order shall remain in force for more than two months from the making thereof:

Provided further that the person against whom the order has been made may, within ten days of the communication of the order, make a representation,—

(i) to the Central Government, where such order is made by the Central Government or any authority authorised by it; and

(ii) to the State Government, where such order is made by the State Government, and the Central Government or the State Government, as the case may be, may, after consultation with a Committee, to be known as Press Consultative Committee, dispose of the matter, modifying, confirming or rescinding the order.

(2) In the event of disobedience of an order made under sub-section (1), the Central Government or the State Government or the authority issuing the order, as the case may be, may, without prejudice to any other penalty to which the person guilty of the disobedience is liable under this Act or under any other law for the time being in force, direct

that copies of the publication made in violation of an order made under sub-section (1) be seized, and that any printing press or other instrument or apparatus used in the publication be closed down for the period such order is in operation.

7. Penalty.

Whoever contravenes, disobeys or neglects to comply with any order made under section 8 of this Act, shall, on conviction, be punished with imprisonment of either description which may extend to one year, or with fine up to one thousand rupees, or with both.

8. Composition of the Press Consultative Committee and rules in respect thereof.

(1) A Press Consultative Committee referred to in the second proviso to sub-section (1) of section 6, shall consist of such number of persons, being editors, publishers and journalists, as may be prescribed by rules made under this section.

(2) The Central Government may make rules for the constitution of Press Consultative Committees, the term of office of the members of such Committees, the allowances, if any, to be paid to such members for attending the meetings of the Committee and the manner of filling casual vacancies among them, and for all matters connected therewith or incidental thereto.

(3) In particular, and without prejudice to the generality of the foregoing power under sub-section (2), such rules may provide for all or any of the following matters, namely:—

(a) the number of persons who may be appointed as members of a Press Consultative Committee and the class or category of persons from whom such members are to be appointed;

(b) the authority or authorities which may make such appointments;

(c) the procedure to be followed by the Central Government or the State Government, as the case may be, in consulting the Press Consultative Committee;

(d) the procedure to be followed by the Press Consultative Committee;

(e) any other matter for which rules have to be made for enabling the Press Consultative Committee to function.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses

agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE INDIAN PENAL CODE (AMENDMENT) ACT, 1969 (Act 36 of 1969)*

[7th September, 1969]

An Act further to amend the Indian Penal Code and to provide for matters incidental thereto.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title.

This Act may be called the Indian Penal Code (Amendment) Act, 1969.

2. Amendment of section 292 of Act 45 of 1860.

In the Indian Penal Code,—

(a) section 292 shall be re-numbered as sub-section (2) thereof and before sub-section (2), as so re-numbered, the following sub-section shall be inserted, namely:—

"(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.";

(b) in sub-section (2) of section 292, as so re-numbered,—

(i) for the words "with imprisonment of either description for a term which may extend to three months, or with fine, or with both," the words "on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five

years, and also with fine which may extend to five thousand rupees" shall be substituted;

(ii) for the *Exception*, the following *Exception* shall be substituted, namely:—

"*Exception*.—This section does not extend to—

(a) any book, pamphlet, paper, writing, drawing, painting, representation or figure—

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern, or

(ii) which is kept or used *bona fide* for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented on or in—

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.";

(c) in section 293, for the words "with imprisonment of either description for a term which may extend to six months, or with fine, or with both," the words "on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees" shall be substituted.

3. Amendment of sections 99A, 108 and Schedule II of Act 5 of 1898.

In the Code of Criminal Procedure, 1898,—

(a) in sub-section (1) of section 99A,—

(i) for the words "seditious matter," the words "seditious or obscene matter," and

(ii) for the words "punishable under section 124A or section 153A or section 295A," the words "punishable under section 124A or section 153A or section 292 or section 293 or section 295A", shall be substituted;

(b) In section 108,—

(1) after the words "who, within or without such limits", the brackets and figure "(i)" shall be inserted;

(2) after clause (c), the following shall be inserted, namely:—

"(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene

* Received the assent of the President on 7-9-1969. Act published in Gaz. of Ind. 8-9 1969, Pt. II, S. 1, Ext., p. 667.

matter such as is referred to in section 292 of the Indian Penal Code,";

(c) in Schedule II, for the entries relating to sections 292 and 293 of the Indian Penal Code, the following entries shall be substituted, namely:—

1	2	3	4	5	6	7	8
"292	Sale, etc., of obscene books, etc.	May arrest without warrant.	Warrant.	Bailable.	Not compoundable.	On first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees.	Court of Session
293	Sale, etc., of obscene objects to young persons.	May arrest without warrant.	Warrant.	Bailable.	Not compoundable.	On first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.	Court of Session".

THE DELHI HIGH COURT (AMENDMENT) ACT, 1969

(Act 37 of 1969)*

[9th September, 1969]

An Act to amend the Delhi High Court Act, 1966.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title and commencement.

(1) This Act may be called the Delhi High Court (Amendment) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new section 3A.

In the Delhi High Court Act, 1966 (hereinafter referred to as the principal Act), after section 3, the following section shall be inserted, namely:—

Salaries and allowances of Judges to be expenditure charged on Consolidated Fund of India.

"3A. Expenditure in respect of the salaries and allowances of Judges of the High Court of Delhi shall be expenditure charged on the Consolidated Fund of India."

3. Amendment of section 5.

In sub-section (2) of section 5 of the principal Act, for the words "twenty-five thousand rupees," the words "fifty thousand rupees" shall be substituted.

4. Amendment of section 17.

In sub-section (3) of section 17 of the principal Act, in clause (b), for the words "twenty-five thousand rupees," the words "fifty thousand rupees" shall be substituted.

5. Amendment of certain laws.

(1) In section 25 of the Punjab Courts Act, 1918, as in force in the Union territory of Delhi, for the words "twenty-five thousand rupees," the words "fifty thousand rupees" shall be substituted.

(2) In the Himachal Pradesh (Courts) Order, 1948, in paragraph 20, for the words "twenty-five thousand rupees," the words "fifty thousand rupees" shall be substituted.

* Received the assent of the President on 9.9.1969. Act published in Gaz. of Ind., 9.9.1969, Pt. II S. 1, Ext., p. 871.

For Statement of Objects and Reasons, see Gaz., of Ind., 15.11.1968, Pt. II S. 2, Ext., p. 1186.

6. Power of Chief Justice to transfer pending suits and proceedings to subordinate courts.

The Chief Justice of the High Court of Delhi may transfer any suit or other proceedings which is or are pending in the High Court immediately before the commencement of this Act and in which no witnesses have been examined before such commencement to such subordinate court in the Union territory of Delhi or, as the case may be, Himachal Pradesh as would have jurisdiction to entertain such suit or proceedings had such suit or proceedings been instituted or filed for the first time after such commencement.

THE CONSTITUTION (TWENTY-SECOND AMENDMENT)

ACT, 1969†

[25th September, 1969.]

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title.

This Act may be called the Constitution (Twenty-second Amendment) Act, 1969.

2. Insertion of new article 244A.

In Part X of the Constitution, after article 244, the following article shall be inserted, namely:—

Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor.

"244A. (1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and create therefor—

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or

(b) a Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law.

† Received the assent of the President on 25.9.1969. Act published in Gaz. of Ind., 26.9.1969, Pt. ILS. 1, Ext. r. 978.

For Statement of Objects and Reasons, see Gaz. of Ind., 10.4.1969, Pt. ILS. 2, Ext., p. 406.

(2) Any such law as is referred to in clause (1) may, in particular,—

(a) specify the matters enumerated in the State List or the Concurrent List with respect to which the Legislature of the autonomous State shall have power to make laws for the whole or any part thereof, whether to the exclusion of the Legislature of the State of Assam or otherwise;

(b) define the matters with respect to which the executive power of the autonomous State shall extend;

(c) provide that any tax levied by the State of Assam shall be assigned to the autonomous State in so far as the proceeds thereof are attributable to the autonomous State;

(d) provide that any reference to a State in any article of this Constitution shall be construed as including a reference to the autonomous State; and

(e) make such supplemental, incidental and consequential provisions as may be deemed necessary.

(3) An amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2) shall have no effect unless the amendment is passed in each House of Parliament by not less than two-thirds of the members present and voting.

(4) Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

3. Amendment of article 275.

In article 275 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

"(1A) On and from the formation of the autonomous State under article 244A,—

(i) any sums payable under clause (a) of the second proviso to clause (1) shall, if the autonomous State comprises all the tribal areas referred to therein, be paid to the autonomous State, and, if the autonomous State comprises only some of those tribal areas, be apportioned between the State of Assam and the autonomous State as the President may, by order, specify;

(ii) there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the autonomous State sums, capital and recurring, equivalent to the costs of such schemes of development as may be undertaken by the autonomous State with the approval of the Government of India for the purpose of raising the level of administration of that

State to that of the administration of the rest of the State of Assam."

4. Insertion of new article 371B.

After article 371A of the Constitution, the following article shall be inserted, namely:—

Special provision with respect to the State of Assam.

"371B. Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Assam, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and such number of other members of that Assembly as may be specified in the order and for the modifications to be made in the rules of procedure of that Assembly for the constitution and proper functioning of such committee."

THE WAKF (AMENDMENT) ACT, 1969

(ACT 38 OF 1969)*

[2nd December, 1969].

An Act further to amend the Wakf Act, 1954.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows.—

1. Short title.

This Act may be called the Wakf (Amendment) Act, 1969.

2. Amendment of Section 2.

In Section 2 of the Wakf Act, 1954 (hereinafter referred to as the principal Act), in the proviso, for the words, figures and brackets "the Durgah Khawaja Saheb Act, 1936 and the Durgah Khawaja Saheb (Emergency Provisions) Act, 1950, apply", the words and figures "the Durgah Khawaja Saheb Act, 1955, applies" shall be substituted.

3. Amendment of Section 3.

In Section 3 of the principal Act, for clause (g), the following clause shall be and shall be deemed always to have been, substituted, namely:—

"(g) "net annual income", in relation to a wakf, means the gross income thereof from all sources in a year excluding only—

(i) land revenue, cess, rates and taxes payable to the Government or any local authority; and

* Received the assent of the President on 2-12-1969. Act published in Gaz. of Ind. 3-12-1969, Pt. II-S. 1, Ext. p. 381.

For Statement of Objects and Reasons, see Gaz. of India, 17-5-1969, Pt. II-S. 2, Ext. p. 492.

(ii) donations given or offerings made with a specific direction that they shall form part of the corpus of the wakf:

Provided that the interest or income, if any, accruing from such donations or offerings shall be taken into account in calculating the gross annual income;.

4. Amendment of Section 4.

In Section 4 of the principal Act, in sub-section (3),—

(a) after the words "submit his report" the words "in respect of wakfs existing at the date of the commencement of this Act in the State or any part thereof," shall be and shall be deemed always to have been inserted; and

(b) in clause (a), for the words "in the State", the words "in the State, or as the case may be, any part thereof" shall be, and shall be deemed always to have been substituted.

5. Amendment of Section 5.

In Section 5 of the principal Act, in sub-section (2), for the words "existing in the State", the words "existing in the State, or as the case may be, the part of the State to which the report relates, and" shall be, and shall be deemed always to have been, substituted.

6. Amendment of Section 6.

In Section 6 of the principal Act, in sub-section (1),—

(a) for the words "whether a particular property is wakf property or not or whether a wakf is a Shia wakf or Sunni wakf", the words "whether a particular property specified as wakf property in a list of wakfs published under sub-section (2) of section 5 is wakf property or not or whether a wakf specified in such list is a Shia wakf or Sunni wakf" shall be, and shall be deemed always to have been substituted; and

(b) after the proviso the following proviso shall be inserted, namely:—

"Provided further that in the case of the list of wakfs relating to any part of the State and published or purporting to have been published before the commencement of the Wakf (Amendment) Act, 1969, such suit may be entertained by the civil court within the period of one year from such commencement."

7. Amendment of Section 7.

In Sec. 7 of the principal Act, in sub-section (1),—

(a) for the words "publication of the list of wakfs", the words "publication of the list or lists of wakfs" shall be substituted; and

(b) for the words "by all the mutawallis in proportion to the income of the property of the wakfs situated in the State", the words "by all the mutawallis of the wakfs the net annual income whereof exceeds one hundred rupees, in proportion to the net annual income accruing in the State to such wakfs" shall be substituted.

8. Amendment of Section 8B.

In Section 8B of the principal Act, in sub-section (1), the words "of the properties" and the words "of the property" shall be omitted.

9. Amendment.

In Section 46 of the principal Act, in sub-section (1), for the words "net annual income of such of its property as is situate in the State", the words "net annual income accruing in the State to the wakf" shall be, and shall be deemed always to have been, substituted.

10. Special provisions as to certain lists of wakfs published under sub-section (2) of Section 5.

Notwithstanding anything contained in any judgment, decree or order of any Court to the contrary, and subject to the provisions of the second proviso to sub-section (1) of section 6 of the principal Act as amended by this Act, every list of wakfs purporting to be a list of wakfs existing at the date of the commencement of the principal Act in any part of a State and published or purporting to have been published under sub-s. (2) of S. 5 of the principal Act, before the commencement of the Wakf (Amendment) Act, 1969, shall be deemed to be, and shall be deemed always to have been, published in accordance with law.

11. Validation of contributions paid or realised under Section 46.

Notwithstanding anything contained in any law or any judgment, decree or order of any court, all contributions paid or realised, or purporting to have been paid or realised, under Section 46 of the principal Act, which would have been validly paid or realised if the amendments made to the principal Act by this Act were in force on the date of such payment or realisation, shall, for all purposes, be deemed to be, and shall be deemed always to have been, paid or realised in accordance with law, and accordingly—

(a) no suit or other legal proceeding shall be maintained or continued in any court for the refund of the whole or any part of the contribution so paid or realised; and

(b) no court shall enforce any decree or order directing the refund of the whole or any part of the contribution so paid or realised.

THE OILFIELDS (REGULATION AND DEVELOPMENT) AMENDMENT ACT, 1969

(ACT 39 OF 1969)*

[20th December, 1969]

An Act further to amend the Oilfields (Regulation and Development) Act, 1948.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title and commencement.

(1) This Act may be called the Oilfields (Regulation and Development) Amendment Act, 1969.

* Received the assent of the President on 20-12-1969. Act published in Gaz. of India, 20-12-1969, Pt. II-S. 1, Ext. p. 385.

For Statement of Objects and Reasons, see Gaz. of India, 21-7-1969, Pt. II-S. 2, Ext. p. 605.

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(2) It shall be deemed to have come into force on the 1st day of January, 1968.

2. Amendment of section 6.

In sub-section (2) of Section 6 of the Oilfields (Regulation and Development) Act, 1948 (hereinafter referred to as the principal Act), for clause (i), the following clause shall be substituted, namely:—

“(i) the collection of royalties, and the levy and collection of fees or taxes, in respect of mineral oils mined, quarried, excavated or collected.”

3. Insertion of new Section 6A.

After Section 6 of the principal Act, the following section shall be inserted, namely:—

Royalties in respect of mineral oils.

“6A. (1) The holder of a mining lease granted before the commencement of the Oilfields (Regulation and Development) Amendment Act, 1969, shall, notwithstanding anything contained in the instrument of lease or in any law in force at such commencement, pay royalty in respect of any mineral oil mined, quarried, excavated or collected by him from the leased area after such commencement, at the rate for the time being specified in the Schedule in respect of that mineral oil.

(2) The holder of a mining lease granted on or after the commencement of the Oilfields (Regulation and Development) Amendment Act, 1969, shall pay royalty

in respect of any mineral oil mined, quarried, excavated or collected by him from the leased area at the rate for the time being specified in the Schedule in respect of that mineral oil.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), no royalty shall be payable in respect of any crude oil, casing-head condensate or natural gas which is unavoidably lost or is returned to the reservoir or is used for drilling or other operations relating to the production of petroleum, or natural gas, or both.

(4) The Central Government may, by notification in the Official Gazette, amend the Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral oil with effect from such date as may be specified in the notification:

Provided that the Central Government shall not—

(a) fix the rate of royalty in respect of any mineral oil so as to exceed twenty per cent of the sale price of the mineral oil at the oilfields or the oil well-head, as the case may be, or

(b) enhance the rate of royalty in respect of any mineral oil more than once during any period of four years.”

4. Insertion of new Schedule.

After Section 14 of the principal Act, the following Schedule shall be inserted, namely:—

“THE SCHEDULE

(See Section 6A)

RATES OF ROYALTY

1. Crude oil:
2. Casing-head condensate:
3. Natural gas:

Rupees ten per metric tonne.

Rupees ten per metric tonne.

Ten per cent of the value of the natural gas obtained at well-head.”

THE FOREIGN EXCHANGE REGULATION (AMENDMENT) ACT, 1969

(ACT 40 OF 1969)*

[26th December, 1969]

An Act further to amend the Foreign Exchange Regulation Act, 1947.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title.

This Act may be called the Foreign Exchange Regulation (Amendment) Act, 1969.

2. Amendment of Section 12.

In Section 12 of the Foreign Exchange Regulation Act, 1917 (hereinafter referred to as the principal Act), for sub-section

(1), the following sub-section shall be substituted, namely:—

“(1) The Central Government may, by notification in the Official Gazette, prohibit the taking or sending out by land, sea or air (hereinafter in this section referred to as export) of all goods or of any goods or class of goods specified in the notification from India directly or indirectly to any place so specified unless the exporter furnishes to the prescribed authority a declaration in the prescribed form supported by such evidence as may be prescribed or so specified and true in all material particulars which, among others, shall include the amount representing —

(i) the full export value of the goods; or

(ii) if the full export value of the goods is not ascertainable at the time of export the value which the exporter, having regard to the prevailing market conditions, expects to receive on the sale of the goods in the course of international trade, and affirms in the said declaration that the full export value of the goods (when

* Received the assent of the President on 26-12-1969. Act published in Gaz. of India, 26-12-1969, Pt. II, S. 1, ExL p, 393.

ther ascertainable at the time of export or not) has been, or will within the prescribed period be, paid in the prescribed manner.”.

3. Amendment of Section 23A.

In Section 23A of the principal Act, for the words, brackets and figures “the restrictions imposed by sub-sections (1) and (2) of Section 8”, the words, brackets and figures, “the restrictions imposed by or under sub-sections (1) and (2) of Section 8” shall be substituted.

4. Repeal and saving.

(1) The Foreign Exchange Regulation (Amendment) Ordinance, 1969 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 13th day of November, 1969.

THE INTERNATIONAL MONETARY FUND AND BANK (AMENDMENT) ACT, 1969

(ACT 41 OF 1969)*

[26th December, 1969]

An Act further to amend the International Monetary Fund and Bank Act, 1945.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title and commencement.

(1) This Act may be called the International Monetary Fund and Bank (Amendment) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of Section 2.

In section 2 of the International Monetary Fund and Bank Act, 1945 (hereinafter referred to as the principal Act), in sub-section (1),—

(a) for the words “There shall be paid out of the Consolidated Fund of India”, the words “There shall be paid, after due appropriation made by Parliament by law in this behalf, out of the Consolidated Fund of India” shall be substituted;

(b) in clause (c), after the words and figures “under Section 8 of Article V”, the words and figures, “or under Section 2, Section 3 or Section 5 of Article XXVI,” shall be inserted;

(c) after clause (d), the following clause shall be inserted, namely:—

“(dd) any assessments required to be paid by the Central Government to the

International Fund under Section 4 or Section 5 of Article XXVI of the Fund Agreement;”.

3. Insertion of new Section 3A.

After Section 3 of the principal Act, the following section shall be inserted, namely:—

Reserve Bank to use, receive, acquire etc., special drawing rights on behalf of Central Government.

“3-A. The Reserve Bank may, on behalf of the Central Government, use, receive, acquire, hold, transfer or operate the special drawing rights of that Government in the International Fund and perform all acts supplemental or incidental thereto.”.

THE BIHAR LAND REFORMS LAWS (REGULATING MINES AND MINERALS) VALIDATION ACT, 1969

(ACT 42 OF 1969)†

[26th December, 1969].

An Act to validate certain provisions contained in the Bihar Land Reforms Act, 1950, and the Bihar Minor Mineral Concession Rules, 1964, and action taken and things done in connection therewith.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title.

This Act may be called the Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act, 1969.

2. Validation of certain Bihar State laws and action taken and things done connected therewith.

(1) The laws specified in the Schedule shall be, and shall be deemed always to have been, as valid as if the provisions contained therein had been enacted by Parliament.

(2) Notwithstanding any judgment, decree or order of any court, all action taken things done, rules made, notifications issued or purported to have been taken, done, made or issued and rents or royalties realised under any such laws shall be deemed to have been validly taken, done, made issued or realised, as the case may be, as if this section had been in force at all material times when such action was taken, things were done, rules were made, notifications were issued, or rents or royalties were realised, and no suit or other proceeding shall be maintained or continued in any court for the refund of rents or royalties realised under any such laws.

(3) For the removal of doubts, it is hereby declared that nothing in sub-section

* Received the assent of the President on 26-12-1969. Act published in Gaz. of India, 26-12-1969, Pt. II-S. 1, Ext. p. 394.

For Statement of Objects and Reasons, see Gaz. of India, 30-8-1969, Pt. II-S. 2, Ext. p. 871.

† Received the assent of the President on 26-12-1969. Act published in Gaz. of India, 26-12-1969, Pt. II-S. 1, Ext. p. 397.

tion (2) shall be construed as preventing any person from claiming refund of any rents or royalties paid by him in excess of the amount due from him under any such laws.

THE SCHEDULE

(See Section 2)

1. Section 10 of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as amended by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965) and by the Bihar Land Reforms (Amendment) Act, 1965 (Bihar Act VI of 1965).
2. Section 10-A of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as inserted by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965).
3. Section 31 of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as amended by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965) and by the Bihar Land Reforms (Amendment) Act, 1965 (Bihar Act VI of 1965).
4. Sub-rule (2) of Rule 20 of the Bihar Minor Mineral Concession Rules, 1964, as inserted by the Bihar Minor Mineral Concession (First Amendment) Rules, 1964, published under the Bihar State Government notification No. A/MM-1099/64 (Pt.) 7700/M, dated the 19th December, 1964, in the Gazette of Bihar (Pt. II) dated the 30th December, 1964.

THE KHUDA BAKHSH ORIENTAL PUBLIC LIBRARY ACT, 1969

(ACT 43 OF 1969)

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THE KHUDA BAKHSH ORIENTAL PUBLIC LIBRARY ACT, 1969

(ACT 43 OF 1969)*

[26th December, 1969].

An Act to declare the Khuda Bakhsh Oriental Public Library at Patna to be an institution of national importance and to provide for its administration and certain other connected matters.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title and commencement.

(1) This Act may be called the Khuda Bakhsh Oriental Public Library Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration of Khuda Bakhsh Oriental Public Library as an institution of national importance.

It is hereby declared that the Khuda Bakhsh Oriental Public Library at Patna in the State of Bihar is an institution of national importance.

3. Definitions.

In this Act, unless the context otherwise requires,—

(a) "Board" means the Board established under Section 4;

*Received the assent of the President on 26-12-1969. Act published in Gazette of India, 26-12-1969, Pt. II-S. 1, Ext. p. 398
For Statement of Objects and Reasons, see Gaz. of Ind., 21-2-1968, Pt. II-S. 2, Ext. p. 84.

(b) "Chairman" means the Chairman of the Board;

(c) "deed of trust" means the deed of trust No. 217 executed in the office of the Deputy Registrar of Patna by the late Maulvi Khuda Bakhsh Khan Bahadur of Muradpur on the 14th January, 1891;

(d) "Fund" means the fund referred to in Section 19;

(e) "library" means the Khuda Bakhsh Oriental Public Library declared to be an institution of national importance under this Act;

(f) "member" means a member of the Board and includes the Chairman;

(g) "Prescribed" means prescribed by rules made under this Act;

(h) "Stat Government" means the Government of Bihar.

CHAPTER II

The Khuda Bakhsh Oriental Public Library Board

4. Establishment and Incorporation of Board.

(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established for the purposes of this Act, a Board to be known as the Khuda Bakhsh Oriental Public Library Board.

(2) The Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and contract, and may, by that name, sue and be sued.

5. Composition of Board.

(1) The Board shall consist of the following persons, namely:—

(a) the Governor of Bihar, ex-officio, Chairman;

(b) the Accountant General, Bihar ex-officio;

(c) a person to be nominated by the Central Government, who shall be a member of the family of the late Maulvi Khuda Bakhsh Khan Bahadur of Muradpur;

(d) eight persons, four each to be nominated by the Central Government and the State Government, who shall, as far as possible, be persons having knowledge of, and experience in, matters relating to the administration of libraries;

(e) the Director, Khuda Bakhsh Oriental Public Library, ex officio Member — Secretary.

(2) Every nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

6. Term of office and fresh nomination in certain cases.

(1) The terms of office of nominated members shall be such as may be prescribed.

(2) Any nominated member may resign his office by giving notice in writing to the Central Government and to the State Government, and on such resignation being notified by the Central Government in the Official Gazette, shall be deemed to have vacated his office.

(3) A casual vacancy created by the resignation of a nominated member under sub-section (2) or for any other reason may be filled by fresh nomination by the Central Government or the State Government, as the case may be, and a member so nominated shall hold office for the remaining period for which the member in whose place he is nominated would have held office.

(4) An outgoing member shall be eligible for renomination.

(5) If any nominated member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government or the State Government, as the case may be, may nominate another person to act in his place during his absence.

7. Vacancies etc., not to invalidate acts.

No act of the Board shall be invalid merely by reason of —

(a) any vacancy in, or defect in the constitution of, the Board, or

(b) any defect in the nomination of a person acting as a member thereof, or

(c) any irregularity in its procedure not affecting the merits of the case.

8. Duty of Government nominating persons, etc.

(1) Before nominating a person to be a member of the Board, the Central Government or the State Government, as the case may be, shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member, and the Central Government or the State Government, as the case may be, shall also satisfy itself from time to time with respect to every member nominated by it that he has no such interest; and any person who is or whom the Central Government or the State Government, as the case may be, proposes to nominate and who has consented to be, a member shall, whenever requested by the Central Government or the State Government so to do, furnish to it such information as that Government considers necessary for the performance by it of its duties under this sub-section.

(2) A nominated member who is in any way, directly or indirectly interested in a contract made or proposed to be made, by the Board shall, as soon as possible, after relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the Board and the member shall not take any part after the disclosure in any deliberation or decision of the Board with respect to that contract.

9. Meetings of Board.

(1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2), (3) and (4), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made under this Act.

(2) The Chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Board

(3) If any nominated member, being an officer of Government, is unable to attend any meeting of the Board, he may with the previous approval of the Chairman, authorise any person in writing to do so

(4) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or, in his absence, the member presiding, shall have a second or casting vote.

10. Temporary association of persons with Board for particular purposes.

(1) The Board may associate with itself in such manner and for such purposes as may be provided by regulations made under this Act, any person whose assistance or advice it may desire in performing any of its functions under this Act.

(2) A person associated with it by the Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board relating to that purpose, but shall not, by virtue of this section be entitled to vote

11. Authentication of orders and other instruments of Board.

All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member authorised by the Board in this behalf, and all other instruments issued by the Board shall be authenticated by the signature of an officer of the Board authorised in like manner in this behalf

12. Staff of Board.

(1) Subject to the provisions of sub-section (2), the Board may, for the purpose of enabling it efficiently to perform its functions under this Act, appoint such number of officers and other employees as it may think fit

(2) The recruitment and conditions of service of such officers and employees shall be such as may be provided by regulations made under this Act.

13. Transfer of service of existing employees to Board.

Subject to the provisions of this Act, every person employed in the library immediately before the date of establishment of the Board shall, on and from such date, become an employee of the Board with such designation as the Board may determine and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions as he would have held the same on such date, if the Board had not been established and shall continue to do so unless and until his employment in the Board is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Board;

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to

his disadvantage without the previous approval of the Central Government

14. Location of library.

The library shall be located at Patna

CHAPTER III

Property, Liabilities and Functions of The Board

15. Property and liabilities of Board.

(1) On the establishment of the Board—

(i) all properties, funds and dues which are vested in, or realisable by, the trustees of the library constituted by the deed of trust, in their capacity as such, shall vest in and be realisable by, the Board; and

(ii) all liabilities in relation to the library which are enforceable against the said trustees, shall be enforceable only against the Board.

(2) All properties, which may, after the establishment of the Board, be given, bequeathed or otherwise transferred to the library or acquired by the Board, shall vest in the Board

16. Duties of Board.

(1) Subject to the provisions of the deed of trust, it shall be the general duty of the Board to manage the library and to plan, promote, organise and implement programmes for the development of the library on modern scientific lines (including the microfilming of rare manuscripts) and to perform such other functions as the Central Government may from time to time, assign to the Board.

(2) In particular and without prejudice to the generality of the foregoing provision, the Board may take such steps as it thinks fit—

(a) for providing for instruction and research in matters relating to libraries and for the advancement of learning and dissemination of knowledge in such matters; and

(b) to do all such other things as may be necessary for the discharge of its functions under this Act.

17. Powers of Board.

(1) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its duties under this Act.

(2) Subject to such regulations as may be made by the Board in this behalf, the Board may from time to time purchase or otherwise acquire such manuscripts, books, articles or things as may, in the opinion of the Board, be worthy of preservation in the library

CHAPTER IV

Finance, Accounts, Audit and Reports

18. Grants by Central Government to Board.

For the purpose of enabling the Board to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board in each financial year such sums of money as that Government considers necessary by way of grant, loan or otherwise

19. Fund of Board.

(1) The Board shall maintain a Fund to which shall be credited —

(a) all moneys paid by the Central Government;

(b) such sums of money as the State Government may pay annually having regard to its resolution No. V/L 4055/60E 120, dated the 26th September, 1962;

(c) all fees and other charges levied under this Act;

(d) all moneys received by the Board by way of grant, gift, donation, benefaction, bequest, subscription, contribution or transfer;

(e) all other moneys received by the Board in any other manner or from any other source.

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the Fund.

(3) A sum of money not exceeding such amount as may be provided by regulations made under this Act may be kept in current account with any scheduled bank as defined in S 2 of the Reserve Bank of India Act, 1934, or any other bank approved by the Central Government in this behalf, but any moneys in excess of that sum shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such manner as may be approved by the Central Government

20. Budget.

(1) The Board shall, by such date in each year as may be specified by the Central Government, submit to it for approval a budget for the next financial year in the form specified by it, showing the estimated receipts and expenditure, and the sums which would be required from the Central Government during that financial year.

(2) If any sum granted by the Central Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the Central Government for that year.

(3) Subject to the provisions of sub-section (4), no sum shall be expended by or on behalf of the Board, unless the expenditure is covered by provision in the budget approved by the Central Government.

(4) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may sanction any reappropriation from one head of expenditure to another or from a provision made for one purpose to that for another purpose.

21. Accounts and audit.

(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as may be specified, and in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India

(2) The accounts of the Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents, and papers and to inspect the office of the Board, and the library.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

22. Returns and reports.

(1) The Board shall furnish to the Central Government at such time and in such form and in such manner as the Central Government may direct such returns, statements and particulars as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1) the Board shall, as soon as possible after the commencement of each financial year, submit to the Central Government within such time as may be specified by the Central Government a report giving true and full account of the activities of the Board during the previous financial year and an account of activities likely to be undertaken during the current financial year.

CHAPTER V**Miscellaneous****23. Power of Central Government to issue directions to Board.**

(1) In the discharge of its functions under this Act, the Board shall be bound by such directions on questions of policy as the Central Government may give to it from time to time:

Provided that the Board shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

24. Delegation of powers and duties.

The Board may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by any member, officer or employee of the Board specified in this behalf in the order.

25. Officers and employees of Board to be public servants.

All officers and employees of the Board shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

26. Protection of action taken under the Act.

No suit, prosecution or other legal proceeding shall lie against the Board or any member, officer or employee of the Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder.

27. Power of Central Government to make rules.

(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act:

Provided that when the Board has been established, no such rules shall be made without consulting the Board.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the term of office of, and the manner of filling casual vacancies among, the members nominated under clauses (c) and (d) of sub-section (1) of Section 5;

(b) the travelling and other allowances payable to a member other than the Chairman and to a person associated with the Board under Section 10;

(c) the disqualifications for membership of the Board and the procedure to be followed in removing a member who is or becomes subject to any disqualification;

(d) the conditions subject to which, and the mode in which, contracts may be entered into by or on behalf of the Board;

(e) any other matter which has to be or may be prescribed

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

28. Power of Board to make regulations.

(1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, for enabling it to discharge its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the conditions and restrictions subject to which manuscripts and books in the library may be used;

(b) the manner in which, and the purposes for which, persons may be associated with the Board;

(c) the time and place of meetings of the Board, the procedure to be followed in regard to the transaction of business at such meetings and the quorum necessary for the transaction of business at a meeting;

(d) the maintenance of minutes of meetings of the Board and the transmission of copies thereof to the Central Government;

(e) the recruitment and conditions of service of officers and other employees of the Board;

(f) the persons by whom and the manner in which, payments, deposits and investments may be made on behalf of the Board;

(g) the maximum amount that may be kept in the current account;

(h) the maintenance of registers and accounts;

(i) the compilation of catalogues and inventories of the manuscripts, books and other articles and things in the library;

(j) the steps to be taken for the preservation of the manuscripts, books and other articles and things in the library;

(k) the general management of the library;

(l) the fees and other charges to be levied for the use of manuscripts and books in the library;

(m) any other matter in respect of which provision is, in the opinion of the Board, necessary for the performance of its functions under this Act.

(3) The Central Government may, after consultation with the Board, by notification in the Official Gazette, amend, vary or rescind any regulation which it has approved, and thereupon the regulation shall have effect accordingly, but without prejudice to the exercise of the powers of the Board under sub-sections (1) and (2).

THE OATHS ACT, 1969

(ACT 44 OF 1969) [*]

[26th December, 1969].

An Act to consolidate and amend the law relating to judicial oaths and for certain other purposes.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title and extent.

(1) This Act may be called the Oaths Act, 1969.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

* Received the assent of the President on 26-12-1969. Act published in Gaz. of Ind., 26-12-1969, Pt. II-S. 1, Ext. p. 407.

For Statement of Objects and Reasons, see Gaz. of Ind. 27-11-1967, Pt. II-S. 2, Ext. p. 1161.

2. Saving of certain oaths and affirmations.

Nothing in this Act shall apply to proceedings before courts martial or to oaths, affirmations or declarations prescribed by the Central Government with respect to members of the Armed Forces of the Union.

3. Power to administer oaths.

(1) The following courts and persons shall have power to administer, by themselves or, subject to the provisions of sub-sec. (2) of Sec. 6, by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties imposed or in exercise of the powers conferred upon them by law, namely:—

(a) all courts and persons having by law or consent of parties authority to receive evidence;

(b) the commanding officer of any military, naval, or air force station or ship occupied by the Armed Forces of the Union, provided that the oath or affirmation is administered within the limits of the station.

(2) Without prejudice to the powers conferred by sub-section (1) or by or under any other law for the time being in force, any court, Judge, Magistrate or person may administer oaths and affirmations for the purpose of affidavits, if empowered in this behalf —

(a) by the High Court, in respect of affidavits for the purpose of judicial proceedings; or

(b) by the State Government, in respect of other affidavits.

4. Oaths or affirmations to be made by witnesses, interpreters and jurors.

(1) Oaths or affirmations shall be made by the following persons, namely:—

(a) all witnesses, that is to say, all persons who may lawfully be examined, or give, or be required to give, evidence by or before any court or person having by law or consent of parties authority to examine such persons or to receive evidence;

(b) interpreters of questions put to, and evidence given by, witnesses; and

(c) jurors:

Provided that where the witness is a child under twelve years of age, and the court or person having authority to examine such witness is of opinion that, though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation, the foregoing provisions of this section and the provisions of Section 5 shall not apply to such witness; but in any such case the absence of an oath or affirmation shall not render inadmissible any evidence given by such witness nor affect the obligation of the witness to state the truth.

(2) Nothing in this section shall render it lawful to administer, in a criminal proceeding, an oath or affirmation to the accused person, unless he is examined as a witness for the defence, or necessary

to administer to the official interpreter of any court, after he has entered on the execution of the duties of his office, an oath or affirmation that he will faithfully discharge those duties.

5. Affirmation by persons desiring to affirm.

A witness, interpreter or juror may, instead of making an oath, make an affirmation.

6. Forms of oaths and affirmations.

(1) All oaths and affirmations made under Section 4 shall be administered according to such one of the forms given in the Schedule as may be appropriate to the circumstances of the case:

Provided that if a witness in any judicial proceeding desires to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the class to which he belongs, and not repugnant to justice or decency and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding anything hereinbefore contained, allow him to give evidence on such oath or affirmation.

(2) All such oaths and affirmations shall, in the case of all courts other than the Supreme Court and the High Courts, be administered by the presiding officer of the court himself, or, in the case of a Bench of Judges or Magistrates, by any one of the Judges or Magistrates, as the case may be.

7. Proceedings and evidence not invalidated by omission of oath or irregularity.

No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever in the administration of any oath or affirmation or in the form in which it is administered, shall invalidate any proceeding or render inadmissible any evidence whatever, in or in respect of which such omission, substitution or irregularity took place, or shall affect the obligation of a witness to state the truth.

8. Persons giving evidence bound to state the truth.

Every person giving evidence on any subject before any court or person hereby authorised to administer oaths and affirmations shall be bound to state the truth on such subject.

9. Repeal and saving.

(1) The Indian Oaths Act, 1873, is hereby repealed.

(2) Where, in any proceeding pending at the commencement of this Act, the parties have agreed to be bound by any such oath or affirmation as is specified in Section 8 of the said Act, then, notwithstanding the repeal of the said Act, the provisions of sections 9 to 12 of the said Act shall continue to apply in relation to such agreement as if this Act had not been passed.

THE SCHEDULE

(See Section 6)

Forms Of Oaths Or Affirmations

Form No. 1 (Witnesses).—

I do _____ that
 swear in the name of God
 solemnly affirm
 what I shall state shall be the truth,
 the whole truth and nothing but the
 truth.

Form No 2 (Jurors).—

I do _____ that
 swear in the name of God
 solemnly affirm
 I will well and truly try and true deli-
 verance make between the State and the
 prisoner (s) at the bar, whom I shall
 have in charge, and a true verdict give
 according to the evidence

Form No. 3 (Interpreters).—

I do _____ that
 swear in the name of God
 solemnly affirm
 I will well and truly interpret and ex-
 plain all questions put to and evidence
 given by witnesses and translate cor-
 rectly and accurately all documents
 given to me for translation.

Form No 4 (Affidavits).—

I do _____ that
 swear in the name of God
 solemnly affirm
 this is my name and signature (or mark)
 and that the contents of this my affidavit
 are true.

THE INDIAN REGISTRATION
(AMENDMENT) ACT, 1969

(ACT 45 OF 1969) [*]

[26th December, 1969]

An Act further to amend the Indian Regis-
tration Act, 1908.

Be it enacted by Parliament in the
 Twentieth Year of the Republic of India
 as follows:—

1. Short title.

This Act may be called the Indian
 Registration (Amendment) Act, 1969.

2. Amendment of Sections 1 and 30.

In the Indian Registration Act, 1908,—

(a) in sub-section (1) of Section 1,
 the word "Indian" shall be omitted,

(b) in sub-section (2) of Section 30,
 for the words "The Registrar of a district
 including a presidency-town", the words
 "The Registrar of a district in which a
 presidency-town is included and the
 Registrar of the Delhi district" shall be
 substituted.

* Received the assent of the President
 on 26-12-1969. Act published in
 Gaz of Ind., 26-12-1969, Pt II-
 S. 1, Ext. p. 410.

For Statement of Objects and Reasons,
 see Gaz. of Ind. 5-8-1968, Pt. II-
 S. 2, Ext. p. 909

THE PUNJAB LEGISLATIVE COUNCIL
(ABOLITION) ACT, 1969
(ACT 46 OF 1969) [†]

[27th December, 1969]

An Act to provide for the abolition of the
 Legislative Council of the State of Pun-
 jab and for matters supplemental, in-
 cidental and consequential thereto.

Be it enacted by Parliament in the
 Twentieth Year of the Republic of India
 as follows:—

1. Short title and commencement.

(1) This Act may be called the Punjab
 Legislative Council (Abolition) Act, 1969.

(2) It shall come into force on such
 date as the Central Government may, by
 notification in the Official Gazette, ap-
 point

2. Definitions.

In this Act, unless the context other-
 wise requires,—

(a) "appropriate Government" means,
 as respects a law, relating to a matter
 enumerated in List I in the Seventh Sched-
 ule to the Constitution, the Central Gov-
 ernment and as respects any other law,
 the State Government.

(b) "article" means an article of the
 Constitution,

(c) "Council" means the Legislative
 Council of the State of Punjab,

(d) "law" includes any enactment, Ordi-
 nance, regulation, order, bye-law, rule,
 scheme, notification or other instrument
 having the force of law in the whole or
 any part of the State of Punjab,

(e) "Legislative Assembly" means the
 Legislative Assembly of the State of Pun-
 jab

3. Abolition of the Council.

(1) The Legislative Council of the State
 of Punjab is hereby abolished.

(2) On the abolition of the Council,
 every member thereof shall cease to be
 such member.

4. Amendment of Article 168.

In sub-clause (a) of clause (1) of
 Article 168, the word, "Punjab", shall be
 omitted.

5. Amendment of Act 43 of 1950.

In the Representation of the People Act,
 1950,—

(a) in the Third Schedule, entry No. 7
 relating to Punjab shall be omitted;

(b) in the Fourth Schedule, the heading
 "Punjab" and the entries thereunder
 shall be omitted;

6. Repeal of Delimitation of Council Con-
stituencies (Punjab) Order, 1951.

The Delimitation of Council Constitu-
 encies (Punjab) Order, 1951, is hereby re-
 pealed

7. Provision as to pending Bills.

(1) A Bill pending in the Council im-
 mediately before the commencement of
 this Act which has not been passed by

† Received the assent of the President
 on 27-12-1969. Act published in
 Gaz. of Ind. 27-12-1969, Pt. II-S. 1,
 Ext. p. 413.

For Statement of Objects and Reasons,
 see Gaz. of Ind., 25-7-1969, Pt. II-
 S. 2, Ext. p. 615.

the Legislative Assembly shall lapse on the abolition of the Council.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of Punjab in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

8. Power to adapt laws.

The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, make such adaptations and modifications of any law made before such commencement, whether by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under Section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

9. Power to construe laws.

Notwithstanding that no provision or insufficient provision has been made under Section 8 for the adaptation or modification of the law made before the commencement of this Act, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.

THE SALARIES AND ALLOWANCES OF MINISTERS (AMENDMENT) ACT, 1969

(ACT 47 OF 1969) [*]

[27th December, 1969]

An Act further to amend the Salaries and Allowances of Ministers Act, 1952.

It enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title and commencement.

(1) This Act may be called the Salaries and Allowances of Ministers (Amendment) Act, 1969.

* Received the assent of the President on 27-12-1969. Act published in Gaz. of India, 27-12-1969, Pt. II S. 1 Ext. p. 415.

For Statement of Objects and Reasons, see Gaz. of Ind. 26-6-1967, Pt. II S. 2, Ext. p. 521.

(2) It shall be deemed to have come into force on the 1st day of November, 1966.

2. Amendment of Section 1.

Section 1 of the Salaries and Allowances of Ministers Act, 1952 shall be re-numbered as sub-section (1) thereof and,—

(i) in sub-section (1) as so re-numbered for the words "fifteen days", the words "one month" shall be substituted; and

(ii) after sub-section (1) as so re-numbered and before the Explanation, the following sub-section shall be inserted, namely:—

"(2) In the event of the death of the Minister, his family shall be entitled to the use of the furnished residence occupied by the Minister—

(a) for a period of one month immediately after his death, without payment of rent and no charge shall fall on the family of the Minister in respect of the maintenance of such residence, and

(b) for a further period of one month, on payment of rent at such rates as may be prescribed by rules made in this behalf by the Central Government and also charges in respect of electricity and water consumed in that residence during such further period."

THE APPROPRIATION (RAILWAYS) NO. 5 ACT, 1969

(ACT 48 OF 1969) [†]

[27th December, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1969-70 for the purposes of Railways.

(The text of the Act is omitted.)

THE APPROPRIATION (NO. 5) ACT, 1969

(ACT 49 OF 1969) [‡]

[27th December, 1969]

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1968, in excess of the amounts granted for those services and for that year.

(The text of the Act is omitted.)

† Received the assent of the President on 27-12-1969. Act published in Gaz. of Ind., 27-12-1969, Pt. II S. 1, Ext. p. 417.

‡ Received the assent of the President on 27-12-1969. Act published in Gaz. of Ind., 27-12-1969.

**THE APPROPRIATION (NO. 6) ACT,
1969**

(ACT 50 OF 1969) [*]

[27th December, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1969-70.

(The text of the Act is omitted.)

**THE MANIPUR APPROPRIATION ACT,
1969**

(ACT 51 OF 1969) [**]

[27th December, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Manipur for the services of the financial year 1969-70.

(The text of the Act is omitted.)

**THE BIHAR APPROPRIATION
ACT, 1969**

(Act 52 of 1969)†

(27th December, 1969).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the services of the financial year 1969-70. (The text of the Act is omitted.)

**THE INDIAN TARIFF (AMENDMENT)
ACT, 1969**

(Act 53 of 1969)‡

[27th December, 1969]

An Act further to amend the Indian Tariff Act, 1934.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:

1. Short title and commencement.

(1) This Act may be called the Indian Tariff (Amendment) Act, 1969.

(2) It shall come into force at once.

2. Amendment of First Schedule.

In the First Schedule to the Indian Tariff Act, 1934,—

(a) for item No. 46, the following Item shall be substituted, namely:—

“46 Silk-worm cocoons suitable for reeling; raw silk (not thrown)—

(a) Raw silk	Protective	30 per cent ad valorem.	December 31st, 1974.
(b) Silk-worm cocoons suitable for reeling.	Protective	50 per cent ad valorem, plus Rs. 8.80 per kilogram.	December 31st, 1974.”;

(b) for Item No. 46(1), the following Item shall be substituted, namely —

“46 (1) Silk waste (including cocoons unsuitable for reeling, silk noils and pulled or garnetted rags). Protective 50 per cent ad valorem, plus Rs. 8.80 per kilogram December 31st, 1974.”;

(c) for Item No. 47, the following Item shall be substituted, namely:—

“47 Silk yarn including silk sewing thread. Protective 50 per cent ad valorem, plus Rs. 8.80 per kilogram December 31st, 1974.”;

(d) Item No. 47 (1) shall be omitted;

* Received the assent of the President on 27-12-1969. Act published in Gaz. of Ind., 27-12-1969, Pt. II-S. 1, Ext. p. 420.

** Received the assent of the President on 27-12-1969. Act published in Gaz. of Ind., 27-12-1969, Pt. II-S. 1, Ext. p. 421.

† Received the assent of the President on 27-12-1969. Act published in Gaz. of Ind. 27-12-1969, Pt. II-S. 1. Ext. p. 422

‡ Received the assent of the President on 27-12-1969. Act published in Gaz. of Ind. 27-12-1969 Pt. II-S. 1 Ext. p. 425.
For Statement of Objects and Reasons see Gaz. of Ind. 17-12-1969 Ext. p. 1121.

(c) for Item No. 48. the following Item shall be substituted, namely:—

- “48 Fabrics, not otherwise Protective 100 per cent ad December
specified, containing valorem plus Rs. 31st, 1974.”
more than 90 per cent 18.70 per kilo-
of silk, including such gram.
fabrics embroidered
with yarn or thread of
man-made fibres.

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969 (ACT 54 OF 1969)

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THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969

(ACT 54 OF 1969)*

[27th December, 1969]

An Act to provide that the operation of the economic system does not result in the concentration of economic power to the common detriment, for the control of monopolies, for the prohibition of monopolistic and restrictive trade practices and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Monopolies and Restrictive Trade Practices Act, 1969.

(2) It extends to the whole of India except the State of Jammu and Kashmir

* Received the assent of the President on 27-12-1969. Act published in Gaz. of Ind., 27-12-1969 Pt. II-S. 1, Ext. p. 427.

For Statement of Objects and Reasons see Gaz. of Ind. 18-8-1967 Pt. II-S. 2, Ext. p. 980. And for joint Committee Report, see Gaz. of Ind., 26-2-1969, Pt. II-S. 2, Ext. p. 110.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint

2. Definitions.

In this Act, unless the context otherwise requires,—

(a) "agreement" includes any arrangement or understanding, whether or not it is intended that such agreement shall be enforceable (apart from any provision of this Act) by legal proceedings,

(b) "Commission" means the Monopolies and Restrictive Trade Practices Commission established under Section 5;

(c) "Director" means the director of Investigation appointed under Section 8;

(d) "dominant undertaking" means an undertaking which either by itself or along with inter-connected undertakings

(i) produces, supplies, distributes or otherwise controls not less than one-third of the total goods of any description that are produced, supplied or distributed in India or any substantial part thereof, or

(ii) provides or otherwise controls not less than one-third of any services that are rendered in India or any substantial part thereof

Provided that for the purposes of this clause, the goods produced by an undertaking which does not employ—

(a) more than fifty workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on or

(b) more than one hundred workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on without the aid of power or is ordinarily so carried on, shall not be taken into account.

Explanation I — Where not less than one-third of the production, supply distribution or control of any goods or the provision or control of any service is shared by inter-connected undertakings, each such undertaking shall be deemed, for the purposes of this Act, to be a dominant undertaking.

Explanation II — Where any goods of any description are the subject of different forms of production, supply, distribution or control, every reference in this Act to such goods shall be construed as reference to any of those forms of production, supply, distribution or control, whether taken separately or together or in such groups as may be prescribed.

Explanation III — Any undertaking which, either by itself or along with inter-connected undertakings, produces, supplies, distributes or controls one-third of any goods or provides or controls one-third of any services according to any of the following criteria, namely, value, cost, price, quantity or capacity, of the goods or services or the number of workers employed for the production, supply, distribution or control of such goods or for the rendering of such services, shall be deemed to be a dominant undertaking.

Explanation IV — In determining the question as to whether an undertaking is

or is not a dominant undertaking, regard shall be had to —

(i) the lowest production made, or services rendered, by the undertaking concerned during the relevant year, and

(ii) the figures published by the Central Government with regard to the total production made or services rendered in India or any substantial part thereof during the relevant year.

Explanation V.— For the purposes of Explanation IV, production includes supply, distribution or control of goods;

Explanation VI — For the purposes of this clause, “relevant year” means any one year out of the three calendar years immediately preceding the preceding calendar year in which the question whether an undertaking is or is not a dominant undertaking is determined.

(c) “goods” includes goods produced in India, and, in relation to any goods supplied, distributed or controlled in India, also includes goods imported into India.

(f) “India” means, for the purposes of this Act, the territories to which this Act extends;

(g) “inter-connected undertakings” means two or more undertakings which are inter-connected with each other in any of the following manner, namely:—

(i) if one owns or controls the other,
(ii) where the undertakings are owned by firms, if such firms have one or more common partners,

(iii) where the undertakings are owned by bodies corporate,—

(a) If one manages the other, or
(b) if one is a subsidiary of the other.

(c) if they are under the same management within the meaning of Section 370 of the Companies Act, 1956, or

(d) if one exercises control over the other in any other manner.

(iv) where one undertaking is owned by a body corporate and the other is owned by a firm, if one or more partners of the firm,—

(a) hold, directly or indirectly, not less than fifty per cent of the shares, whether preference or equity, of the body corporate, or

(b) exercise control, directly or indirectly, whether as director or otherwise, over the body corporate,

(v) if one is owned by a body corporate and the other is owned by a firm having bodies corporate as its partners, if such bodies corporate are under the same management within the meaning of the said Section 370.

(vi) if the undertakings are owned or controlled by the same person or group of persons,

(vii) if one is connected with the other either directly or through any number of undertakings which are inter connected undertakings within the meaning of one or more of the foregoing sub-clauses.

Illustration

Undertaking B is inter-connected with undertaking A and undertaking C is inter-connected with undertaking B. Under-

taking C is inter-connected with undertaking A; if undertaking D is inter-connected with undertaking C, undertaking D will be inter-connected with undertaking B and consequently with undertaking A; and so on.

Explanation. — For the purpose of clause (g), two or more undertakings shall be deemed to be inter-connected, —

(a) if one or more undertakings which are inter-connected undertakings [as defined in clause (g)] jointly or severally, own manage or control the other,

(b) if one or more individuals together with their relatives, or firms in which such individuals or their relatives are partners, jointly or severally, own, manage or control the other.

(c) if inter-connected undertakings referred to in sub-clause (a) and persons, relatives or firms referred to in sub-clause (b), jointly or severally, own, manage or control the other;

(h) “member” means a member of the Commission;

(i) “monopolistic trade practice” means a trade practice which has, or is likely to have, the effect of, —

(i) maintaining prices at an unreasonable level by limiting, reducing or otherwise controlling the production, supply or distribution of goods of any description or the supply of any services or in any other manner,

(ii) unreasonably preventing or lessening competition in the production, supply or distribution of any goods or in the supply of any services,

(iii) limiting technical development or capital investment to the common detriment or allowing the quality of any goods produced, supplied or distributed or any service rendered, in India to deteriorate

(j) “monopolistic undertaking” means —

(i) a dominant undertaking which, or
(ii) an undertaking which, together with not more than two other independent undertakings,—

(a) produces, supplies, distributes or otherwise controls not less than one-half of the total goods of any description that are produced, supplied or distributed in India or any substantial part thereof, or

(b) provides or otherwise controls not less than one-half of the services that are rendered in India or any substantial part thereof;

Provided that for the purposes of this clause, the goods produced by an undertaking which does not employ—

(A) more than fifty workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on, or

(B) more than one hundred workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on without the aid of power or is ordinarily so carried on, shall not be taken into account

Explanation I.—Any undertaking which either by itself or along with not more than two other independent undertakings, produces, supplies, distributes or controls one-half of any goods or provides or con-

trols one-half of any services according to any one of the following criteria, namely, value, cost, price, quantity or capacity, of the goods or services or the number of workers employed for the production, supply, distribution or control of such goods or for the rendering of such services, shall be deemed to be a monopolistic undertaking.

Explanation II. — In determining the question as to whether an undertaking is or is not a monopolistic undertaking, regard shall be had to —

(i) the lowest production made, or services rendered by the undertaking concerned during the relevant year, and

(ii) the figures published by the Central Government with regard to the total production made or services rendered in India or any substantial part thereof during the relevant year.

Explanation III. — For the purposes of Explanation II, production includes supply, distribution or control of goods.

Explanation IV. — For the purposes of this clause, "relevant year" means any one year out of the three calendar years immediately preceding the preceding calendar year in which the question whether an undertaking is or is not a monopolistic undertaking is determined.

(k) "prescribed" means prescribed by rules made under this Act;

(l) "price", in relation to the sale of any goods or to the performance of any services, includes every valuable consideration, whether direct or indirect, and includes any consideration which in effect relates to the sale of any goods or to the performance of any services although ostensibly relating to any other matter or thing;

(m) "register" means the register kept by the Registrar under Section 36;

(n) "Registrar" means the Registrar of Restrictive Trade Agreements appointed under Section 34, and includes every Additional, Joint, Deputy or Assistant Registrar appointed under that section;

(o) "restrictive trade practice" means a trade practice which has, or may have the effect of preventing, distorting or restricting, competition in any manner and in particular,—

(i) which tends to obstruct the flow of capital or resources into the stream of production, or

(ii) which tends to bring about manipulation of prices, or conditions of delivery or to affect the flow of supplies in the market relating to goods or services in such manner as to impose on the consumers unjustified costs or restrictions;

(p) "retailer", in relation to the sale of any goods, includes every person other than a wholesaler, who sells the goods to any other person, and in respect of the sale of goods by a wholesaler, to any person for any purpose other than re-sale, includes that wholesaler;

(q) "scheme of finance" means a scheme indicating the sources from which, and the terms and conditions on which, finances are proposed to be obtained by an undertaking;

(r) "service" means service of any description which is made available to

potential users and includes the provision of facilities in connection with banking, insurance, transport, supply of electrical or other energy, board or lodging or both, entertainment, amusement or the purveying of news or other information but does not include the rendering of any service free of charge or under a contract of personal service;

(s) "trade" means any trade, business, industry, profession or occupation relating to the production, supply, distribution or control of goods and includes the provision of any services;

(t) "trade association" means a body of persons (whether incorporated or not) which is formed for the purpose of furthering the trade interests of its members or of persons represented by its members;

(u) "trade practice" means any practice relating to the carrying on of any trade, and includes—

(i) anything done by any person which controls or affects the price charged by, or the method of trading of, any trader or any class of traders,

(ii) a single or isolated action of any person in relation to any trade;

(v) "undertaking" means an undertaking which is engaged in the production, supply, distribution or control of goods of any description or the provision of service of any kind.

(w) "value of assets", in relation to an undertaking, means the value of its assets as shown in its books of account after making provision for depreciation or for renewals, or diminution in value;

(x) "wholesaler", in relation to the sale of any goods, means a person who sells the goods to any person for the purpose of resale;

(y) words and expressions used but not defined in this Act and defined in the Companies Act, 1956, have the meanings respectively assigned to them in that Act.

3. Act not to apply in certain cases.

Unless the Central Government, by notification in the Official Gazette, otherwise directs, this Act shall not apply to —

(a) any undertaking owned or controlled by a Government company,

(b) any undertaking owned or controlled by the Government.

(c) any undertaking owned or controlled by a corporation (not being a company) established by or under any Central, Provincial or State Act,

(d) any trade union or other association of workmen or employees formed for their own reasonable protection as such workmen or employees,

(e) any undertaking engaged in an industry, the management of which has been taken over by any person or body of persons in pursuance of any authorisation made by the Central Government under any law for the time being in force.

4. Application of other laws not barred.

(1) Save as otherwise provided in sub-section (2) or elsewhere in this Act, the provisions of this Act shall be in addition to, not in derogation of, any other law for the time being in force.

(2) Notwithstanding anything contained in Section 3 or elsewhere in this Act, so much of the provisions of this Act, as relate to matters in respect of which specific provisions exist in the —

(i) Reserve Bank of India Act, 1934, or the Banking Regulation Act, 1949, or

(ii) State Bank of India Act, 1955, or the State Bank of India (Subsidiary Banks) Act, 1959, or,

(iii) Insurance Act, 1938, shall not apply to a banking company, the State Bank of India or a subsidiary bank, as defined in the State Bank of India (Subsidiary Banks) Act, 1959, or an insurer, as the case may be.

CHAPTER II

Monopolies and Restrictive Trade Practices Commission

5. Establishment and Constitution of the Commission.

(1) For the purposes of this Act, the Central Government shall establish, by notification in the Official Gazette, a commission to be known as the Monopolies and Restrictive Trade Practices Commission which shall consist of a Chairman and not less than two and not more than eight other members, to be appointed by the Central Government.

(2) The Chairman of the Commission shall be a person who is, or has been or is qualified to be, a Judge of the Supreme Court or of a High Court and the members thereof shall be persons of ability, integrity and standing who have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy, industry, public affairs or administration.

(3) Before appointing any person as a member of the Commission, the Central Government shall satisfy itself that the person does not, and will not, have, any such financial or other interest as is likely to affect prejudicially his functions as such member.

6. Terms of office conditions of service, etc., of members.

(1) Every member shall hold office for such period, not exceeding five years, as may be specified by the Central Government in the notification made under sub-section (1) of Sec. 5, but shall be eligible for re-appointment.

Provided that no member shall hold office as such for a total period exceeding ten years, or after he has attained the age of sixty-five years, whichever is earlier.

(2) Notwithstanding anything contained in sub-section (1), a member may —

(a) by writing under his hand and addressed to the Central Government resign his office at any time;

(b) be removed from his office in accordance with the provisions of Section 7.

(3) A casual vacancy caused by the resignation or removal of the Chairman or any other member of the Commission under sub-section (2) or otherwise shall be filled by fresh appointment.

(4) No act or proceeding of the Commission shall be invalid by reason only of the existence of any vacancy among its

members or any defect in the constitution thereof.

(5) The Chairman of the Commission and other members shall receive such remuneration and other allowances and shall be governed by such conditions of service as may be prescribed:

Provided that the remuneration of the Chairman or any other member shall not be varied to his disadvantage after his appointment.

(6) In the case of a difference of opinion among the members of the Commission, the opinion of the majority shall prevail and the opinion or orders of the Commission shall be expressed in terms of the views of the majority.

(7) The Chairman of the Commission and every member shall, before entering upon his office, make and subscribe to an oath of office and of secrecy in such form, in such manner and before such authority as may be prescribed.

(8) Any member ceasing to hold office as such shall not hold any appointment in, or be connected with the management or administration of, any industry or undertaking to which this Act applies for a period of five years from the date on which he ceases to hold such office.

7. Removal of members from office in certain circumstances.

(1) The Central Government may remove from office any member, who—

(a) has been adjudged an insolvent, or
(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(c) has become physically or mentally incapable of acting as such member, or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member, or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) Notwithstanding anything contained in sub-section (1), no member shall be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the Supreme Court, on a reference being made to it in this behalf by the Central Government, has, on an inquiry held by it in accordance with such procedure as it may specify in this behalf, reported that the member ought, on such grounds, to be removed.

8. Appointment of Director and staff of the Commission.

The Central Government may, in consultation with the Commission, appoint a Director of Investigation for making investigations for the purposes of this Act and may, in addition, make provision with respect to the number of members of the staff of the Commission and their conditions of service;

Provided that the conditions of service of the Director or any member of the staff of the Commission shall not be varied to his disadvantage after his appointment.

9. Salaries, etc., to be defrayed out of the Consolidated Fund of India.

The salaries and allowances payable to the members and the administrative ex

penses, including salaries, allowances and pensions, payable to or in respect of officers and other employees of the Commission, shall be delayed out of the Consolidated Fund of India

Jurisdiction, Powers And Procedure Of The Commission

10. Inquiry into monopolistic or restrictive trade practices by Commission.

The Commission may inquire into —

- (a) any restrictive trade practice —
 - (i) upon receiving a complaint of facts which constitute such practice from any trade or consumers' association having a membership of not less than twenty-five persons or from twenty-five or more consumers, or
 - (ii) upon a reference made to it by the Central Government or a State Government, or,
 - (iii) upon an application made to it by the Registrar, or
 - (iv) upon its own knowledge or information,
- (b) any monopolistic trade practice, upon a reference made to it by the Central Government or upon its own knowledge or information

11. Investigation by Director before issue of process in certain cases.

In respect of any restrictive trade practice of which complaint is made under sub-clause (i) of clause (a) of Section 10, the Commission shall, before issuing any process requiring the attendance of the person complained against, cause a preliminary investigation to be made by the Director in such manner as it may direct, for the purpose of satisfying itself that the complaint requires to be inquired into.

12. Powers of the Commission.

(1) The Commission shall, for the purposes of any inquiry under this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the requisitioning of any public record from any Court or office;
- (e) the issuing of any commission for the examination of witnesses.

(2) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code, and the Commission shall be deemed to be a civil court for the purposes of Section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898

(3) The Commission shall have power to require any person —

- (a) to produce before, and allow to be examined and kept by an officer of the Commission specified in this behalf, such books, accounts or other documents in the custody or under the control of the person so required as may be specified or

described in the requisition being documents relating to any trade practice, the examination of which may be required for the purposes of this Act; and

(b) to furnish to an officer so specified such information as respects the trade practice as may be required for the purposes of this Act or such other information as may be in his possession in relation to the trade carried on by any other person.

(4) For the purpose of enforcing the attendance of witnesses the local limits of the Commission's jurisdiction shall be the limits of the territory of India.

13. Orders of Commission may be subject to conditions, etc.

(1) In making any order under this Act, the Commission may make such provisions not inconsistent with this Act, as it may think necessary or desirable for the proper execution of the order and any person who commits a breach of or fails to comply with any obligation imposed on him by any such provision shall be deemed to be guilty of an offence under this Act.

(2) Any order made by the Commission may be amended or revoked at any time in the manner in which it was made

(3) An order made by the Commission may be general in its application or may be limited to any particular class of traders or a particular class of trade practice or a particular trade Practice or a particular locality

14. Orders where party concerned does not carry on business in India.

Where any practice substantially falls within monopolistic or restrictive trade practice, or both, relating to the production, supply, distribution or control of goods of any description or the provision of any services and any party to such practice does not carry on business in India, an order may be made under this Act with respect to that part of the practices which is carried on in India.

15. Restriction of application of orders in certain cases.

No order made under this Act with respect to any monopolistic or restrictive trade practice shall operate so as to restrict —

(a) the right of any person to restrain any infringement of a patent granted in India, or

(b) any person as to the condition which he attaches to a licence to do anything, the doing of which but for the licence would be an infringement of a patent granted in India; or

(c) the right of any persons to export goods from India, to the extent to which the monopolistic or restrictive trade practice relates exclusively to the production, supply, distribution or control of goods for such export.

16. Sittings of the Commission.

(1) The central office of the Commission shall be in Delhi but the Commission may sit at such places in India and at such times as may be most con

venient for the exercise of its powers or functions under this Act.

(2) The powers or functions of the Commission may be exercised or discharged by Benches formed by the Chairman of the Commission from among the members.

17. Hearing to be in public except in special circumstances.

(1) Subject to the provisions of subsection (2), the hearing of proceedings before the Commission shall be in public.

(2) Where the Commission is satisfied that it is desirable to do so by reason of the confidential nature of any offence or matter or for any other reason, the Commission may —

(a) hear the proceeding or any part thereof in private;

(b) give directions as to the persons who may be present thereat;

(c) prohibit or restrict the publication of evidence given before the Commission (whether in public or in private) or of matters contained in documents filed before the Commission.

18. Procedure of the Commission.

(1) Subject to the provisions of this Act, the Commission shall have power to regulate —

(a) the procedure and conduct of its business;

(b) the procedure of Benches of the Commission;

(c) the delegation to one or more members of such powers or functions as the Commission may specify.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the powers of the Commission shall include the power to determine the extent to which persons interested or claiming to be interested in the subject-matter of any proceeding before it are allowed to be present or to be heard, either by themselves or by their representatives or to cross-examine witnesses or otherwise to take part in the proceeding.

19. Orders of the Commission to be noted in the register.

The Commission shall cause an authenticated copy of every order made by it in respect of a restrictive trade practice to be forwarded to the Registrar who shall have it recorded in such manner as may be prescribed.

CHAPTER III

Concentration of Economic Power

PART A

20. Undertakings to which this Part applies.

This Part shall apply to —

(a) an undertaking if the total value of—

(i) its own assets, or

(ii) its own assets together with the assets of its inter-connected undertakings, is not less than twenty crores of rupees;

(b) a dominant undertaking —

(i) where it is a single undertaking, the value of its assets, or

(ii) where it consists of more than one undertaking, the sum-total of the value

of the assets of all the inter-connected undertakings constituting the dominant undertaking,

is not less than one crore of rupees.

Explanation. — The value referred to in this section shall be,

(i) in the case of an undertaking referred to in clause (a) or clause (b), as the case may be, the value of its assets on the last day of its financial year which closes during the calendar year immediately preceding the calendar year in which the question arises as to whether this Part does or does not apply to such undertaking; and

(ii) in the case of an inter-connected undertaking, the value of its assets on the last day of its financial year which closes during the calendar year immediately preceding the calendar year in which the question arises as to whether this Part does or does not apply to the undertaking referred to in clause (a) or clause (b).

21. Expansion of undertakings.

(1) Subject to the provisions of Section 23, where an undertaking to which this Part applies proposes to substantially expand its activities by the issue of fresh capital or by the installation of new machinery or other equipment or in any other manner, it shall, before taking any action to give effect to the proposal for such expansion, give to the Central Government notice in the prescribed form, of its intention to make such expansion, stating therein the scheme of finance with regard to the proposed expansion, whether it is connected with any other undertaking or undertakings and if so, giving particulars relating to all the inter-connected undertakings and such other information as may be prescribed.

(2) Notwithstanding anything contained in any other law for the time being in force, no undertaking shall give effect to any proposal for its substantial expansion unless such proposal has been approved by the Central Government.

Explanation. — For the purpose of this section, an undertaking shall be deemed to expand substantially if, after such expansion, —

(a) in the case of an undertaking to which clause (a) of section 20 applies,—

(i) the value of its assets, before the expansion, would result in an increase by not less than twenty-five per cent of such value, or

(ii) the production, supply or distribution of any goods or the provision of any services by it before the expansion, would result in an increase by not less than twenty-five per cent of the goods produced, supplied, distributed or controlled or services provided, by it;

(b) in the case of an undertaking to which clause (b) of section 20 applies, the production, supply, distribution or control of any goods or the provision of any services by it would result in an increase by not less than twenty-five per cent of the goods produced, supplied, distributed or controlled, or services provided, by it before the expansion.

(3) (a) The Central Government may call upon the undertaking concerned to

satisfy it that the proposed expansion or the scheme of finance with regard to such expansion is not likely to lead to the concentration of economic power to the common detriment or is not likely to be prejudicial to the public interest in any other manner and thereupon the Central Government may, if it is satisfied that it is expedient in the public interest so to do, by order accord approval to the proposal for such expansion.

(b) If the Central Government is of opinion that no such order as is referred to in cl. (a) can be made without a further inquiry, it may refer the application to the Commission for an inquiry and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon.

(c) Upon receipt of the report of the Commission, the Central Government may pass such orders with regard to the proposal for the expansion of the undertaking as it may think fit.

(d) No scheme of any expansion approved by the Central Government and no scheme of finance with regard to such expansion shall be modified except with the previous approval of the Central Government.

(4) Nothing in this section shall apply to any industrial undertaking (which is not a dominant undertaking) to which Section 13 of the Industries (Development and Regulation) Act, 1951, applies, in so far as the expansion relates to production of the same or similar type of goods.

22. Establishment of new undertakings.

(1) No person or authority, other than Government, shall, after the commencement of this Act, establish any new undertaking which, when established, would become an inter-connected undertaking of an undertaking to which clause (a) of Section 20 applies, except under, and in accordance with the previous permission of the Central Government.

(2) Any person or authority intending to establish a new undertaking referred to in sub-section (1) shall, before taking any action for the establishment of such undertaking, make an application to the Central Government in the prescribed form for that Government's approval to the proposal of establishing any undertaking and shall set out in such application information with regard to the inter-connection, if any, of the new undertaking (which is intended to be established) with every other undertaking, the scheme of finance for the establishment of the new undertaking and such other information as may be prescribed.

(3) (a) The Central Government may call, upon the person or authority to satisfy it that the proposal to establish a new undertaking or the scheme of finance with regard to such proposal is not likely to lead to the concentration of economic power to the common detriment or is not likely to be prejudicial to the public interest in any other manner and thereupon the Central

Government may, if it is satisfied that it is expedient in the public interest so to do, by order accord approval to the proposal.

(b) If the Central Government is of opinion that no such approval as is referred to in cl. (a) can be made without further inquiry, it may refer the application to the Commission for an inquiry and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon.

(c) Upon receipt of the report of the Commission, the Central Government may pass such order with regard to the proposal for the establishment of a new undertaking as it may think fit.

(d) No scheme of finance on the strength of which the establishment of a new undertaking has been approved by the Central Government shall be modified except with previous approval of that Government.

23. Merger, amalgamation and take over.

(1) Notwithstanding anything contained in any other law for the time being in force,—

(a) no scheme of merger or amalgamation of an undertaking to which this Part applies with any other undertaking,

(b) no scheme of merger or amalgamation of two or more undertakings which would have the effect of bringing into existence an undertaking to which clause (a) or clause (b) of S. 20 would apply,

shall be sanctioned by any Court or be recognised for any purpose or be given effect to unless the scheme for such merger or amalgamation has been approved by the Central Government under this Act.

(2) If any undertaking to which this Part applies frames a scheme of merger or amalgamation with any other undertaking, or a scheme of merger or amalgamation is proposed between two or more undertakings, and, if as a result of such merger or amalgamation, an undertaking would come into existence to which clause (a) or clause (b) of Section 20 would apply, it shall, before taking any action to give effect to the proposed scheme, make an application to the Central Government in the prescribed form with a copy of the scheme annexed thereto, for the approval of the scheme.

(3) Nothing in sub-section (1) or sub-section (2) shall apply to the scheme of merger or amalgamation of such inter-connected undertakings as are not dominant undertakings and as produce the same goods.

(4) If an undertaking to which this Part applies proposes to acquire by purchase, take over or otherwise the whole or part of an undertaking which will or may result either —

(a) in the creation of an undertaking to which this Part would apply; or

(b) in the undertaking becoming an inter-connected undertaking of an undertaking to which this Part applies, it shall, before any effect to its proposals make an application in writing to the Central Government in the prescribed form of its intention to make

such acquisition, stating therein information regarding its inter-connection with other undertakings, the scheme of finance with regard to the proposed acquisition and such other information as may be prescribed.

(5) No proposal referred to in sub-section (4) which has been approved by the Central Government and no scheme of finance with regard to such proposal shall be modified except with the previous approval of the Central Government.

(6) On receipt of an application under sub-section (2) or sub-section (4), the Central Government may, if it thinks fit, refer the matter to the Commission for an inquiry and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon.

(7) On receipt of the Commission's report the Central Government may pass such orders as it may think fit.

(8) Notwithstanding anything contained in any other law for the time being in force, no proposal to acquire by purchase, take over or otherwise of an undertaking to which this Part applies shall be given effect to unless the Central Government has made an order according its approval to the proposal.

(9) Nothing in sub-section (4) shall apply to the acquisition by an undertaking, which is not a dominant undertaking, of another undertaking which is not also a dominant undertaking, if both such undertakings produce the same goods

Provided that nothing in this sub-section shall apply if as a result of such acquisition an undertaking comes into existence to which clause (a) or clause (b) of Section 20 would apply.

24. Merger, amalgamation or take over in contravention of Section 23.

Where any merger, amalgamation or take over is being, or has been, effected in contravention of the provisions of Section 23, the Central Government may, after such consultation with the Commission as it may consider necessary, direct, without prejudice to any penalty which may be imposed under this Act for such contravention, the undertaking concerned to cease and desist from such contravention, to divest itself of the stock or other share capital or assets so acquired and to carry out such further directions as the Central Government may, in all the circumstances of the case, issue.

25. Directors of undertakings not to be appointed directors of other undertakings.

(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no person, who is a director of an undertaking to which this Part applies, shall be appointed, after the commencement of this Act, as a director of any other undertaking except with the prior approval of the Central Government and any appointment contrary to the provisions of this section shall be void:

Provided that the approval of the Central Government shall not be necessary to the appointment of a person as a direc-

tor of an undertaking unless he holds such office in more than ten inter-connected undertakings.

(2) Notwithstanding anything contained in sub-section (1), no act done by a person as a director shall be invalid merely on the ground that his appointment was void by reason of this section or of any provision of this Part:

Provided that nothing in this section shall be deemed to give validity to any act done by a director after his appointment has been shown to the undertaking and the director concerned to be void.

(3) Notwithstanding anything to the contrary contained in any other law for the time being in force, every director holding such directorship as is not consistent with the provisions of this section shall, unless his appointment expires earlier, obtain within a period of one year from the commencement of this Act, the approval of the Central Government to such appointment and if he fails to do so, his appointment shall, on the expiry of the said period, become void.

(4) The provisions of sub-sections (1), (2) and (3) shall, as far as may be, apply to partners of any firm which is an undertaking within the meaning of this Act, as they apply to directors of companies.

26. Registration of undertakings to which Part A applies.

(1) Every undertaking to which this Part applies at the commencement of this Act or to which the provisions of that Part become applicable thereafter, shall, within sixty days from such commencement or the date on which that Part becomes first applicable to it, or within such further time as the Central Government may, on sufficient cause being shown, allow, make an application (in such form and containing such particulars as may be prescribed) to the Central Government for its registration as such undertaking.

(2) The Central Government shall, on receipt of the application referred to in sub-section (1), forthwith enter the name of the undertaking in a register to be maintained for the purpose and issue to the undertaking concerned a certificate of registration containing such particulars as may be prescribed.

(3) Any undertaking which has ceased to be an undertaking to which this Part applies may, at any time after such ceasing, apply to the Central Government for cancellation of the registration and the Central Government may, after making such inquiry as it may think fit, cancel the registration of such undertaking and notify such cancellation in the Official Gazette.

PART B

27. Division of undertakings.

(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Central Government may, if it is of opinion that the working of an undertaking to which Part A of this Chapter applies, is prejudicial to the public interest, or has led, or is leading, or is likely to lead, to the adoption of any monopolistic or restrictive trade

practices, refer the matter to the Commission for an inquiry as to whether it is expedient in the public interest to make an order,—

(a) for the division of any trade of the undertaking by the sale of any part of the undertaking or assets thereof, or,

(b) for the division of any undertaking or inter-connected undertakings into such number of undertakings as the circumstances of the case may justify, and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon and shall, where it is of opinion that a division ought to be made, specify the manner of the division and compensation, if any, payable for such division.

Explanation. — For the purposes of this section all activities carried on by way of trade by an undertaking or two or more interconnected undertakings may be treated as a single trade

(2) If the Commission so recommends, the Central Government may, notwithstanding anything contained in any other law for the time being in force by an order in writing direct the division of any trade of the undertaking or of the undertaking or interconnected undertakings.

(3) Notwithstanding anything contained in any other law for the time being in force, the order referred to in sub-section (2) may provide for all such matters as may be necessary to give effect to the division of any trade of the undertaking or of the undertaking or inter-connected undertakings, including,—

(a) the transfer or vesting of property, rights, liabilities or obligations;

(b) the adjustment of contracts either by the discharge or reduction of any liability or obligation or otherwise;

(c) the creation, allotment, surrender or cancellation of any shares, stock or securities;

(d) the payment of compensation;

(e) the formation, or winding up of an undertaking or the amendment of the memorandum and articles of association or any other instruments regulating the business of any undertaking;

(f) the extent to which and the circumstances in which provisions of the order affecting an undertaking may be altered by the undertaking and the registration thereof;

(g) the continuation, with such changes as may be necessary, of parties to any legal proceeding.

(4) Where the Central Government makes, or intends to make, an order for any purpose mentioned in sub-section (3), it may, with a view to achieving that purpose, prohibit or restrict the doing of anything that might impede the operation or making of the order and may impose on any person such obligations as to the carrying on of any activities or the safeguarding of any assets, as it may think fit, or it may, by order provide for the carrying on of any activities or safeguarding of any assets either by the appointment of a person to conduct, or supervise the conduct of, any such activities or in any other manner.

(5) Notwithstanding anything contained in any other law for the time being in force or in any contract or in any memorandum or articles of association, an officer of a company who ceases to hold office as such in consequence of the division of an undertaking or inter-connected undertakings shall not be entitled to claim any compensation for such cesser.

PART C

28. Matters to be considered by the Central Government before according approval.

In exercising its powers under Part A or Part B of this Chapter, the Central Government, or, as the case may be, the Commission, shall take into account all matters which appear in the particular circumstances to be relevant and, among other things, regard shall be had to the need consistently with the general economic position of the country—

(a) to achieve the production supply and distribution, by most efficient and economical means of goods of such types and qualities, in such volume and at such prices as will best meet the requirements of the defence of India, and home and overseas markets;

(b) to have the trade organised in such a way that its efficiency is progressively increased;

(c) to ensure the best use and distribution of men, materials and industrial capacity in India;

(d) to effect technical and technological improvements in trade and expansion of existing markets and the opening up of new markets;

(e) to encourage new enterprises as a countervailing force to the concentration of economic power to the common detriment;

(f) to regulate the control of the material resources of the community to subserve the common good; and

(g) to reduce disparities in development between different regions and more especially in relation to areas which have remained markedly backward.

29. Opportunity of being heard.

Before making an order under this Chapter, the Central Government shall give a reasonable opportunity of being heard to any person who is, or may be, in its opinion, interested in the matter under the consideration of that Government.

30. Time within which action should be taken.

(1) Where the Central Government is of opinion that no approval can be accorded under Section 21 or Section 22, or no order under Section 23 can be made, unless a further inquiry has been held into the matter by the Commission, it shall refer the matter to the Commission within sixty days from the date of receipt of the notice under Section 21, application under Section 22 or the proposal under Section 23, as the case may be:

Provided that where further particulars in connection with any such notice, application or proposal are called for by the

Central Government, the said period of sixty days shall be computed from the date on which such further particulars are furnished to that Government.

(2) Where any notice, application or proposal under this Chapter is referred to the Commission for an inquiry, it shall be the duty of the Commission to make its report on the matter referred to it within ninety days from the date on which the reference is received by it, except where the Commission, for special reasons recorded by it in writing, is of opinion that the report cannot be made by it within the said period of ninety days.

(3) Every notice, application or proposal in respect of which a report has been submitted by the Commission to the Central Government shall be disposed of by that Government within sixty days from the date of receipt of the report of the Commission.

(4) Every notice, application or proposal which has not been referred to the Commission, shall be disposed of by the Central Government within ninety days from the date on which such notice, application or proposal, as the case may be, is received by it, except where the Central Government, for special reasons recorded by it in writing, is of opinion that the notice, application or proposal, as the case may be, cannot be disposed of within the said period of ninety days.

CHAPTER IV

Monopolistic Trade Practices

31. Investigation by Commission of monopolistic trade practices.

(1) Where it appears to the Central Government that one or more monopolistic undertakings are indulging in any monopolistic trade practice, or that, monopolistic trade practices prevail in respect of any goods or services that Government may refer the matter to the Commission for an inquiry and the Commission shall, after such hearing as it thinks fit, report to the Central Government its findings thereon.

(2) If as a result of such inquiry the Commission makes a finding to the effect that, having regard to the economic conditions prevailing in the country and to all other matters which appear in particular circumstances to be relevant, the trade practice operates or is likely to operate against the public interest, the Central Government may, notwithstanding anything contained in any other law for the time being in force, pass such orders as it may think fit to remedy or prevent any mischiefs which result or may result from such trade practice.

(3) Any order made by the Central Government under this section may include an order—

(a) regulating the production, supply, distribution or control of any goods by the undertaking or the control or supply of any service by it and fixing the terms of sale (including prices) or supply thereof;

(b) prohibiting the undertaking from resorting to any act or practice or from pursuing any commercial policy which

prevents or lessens, or is likely to prevent or lessen, competition in the production, supply or distribution of any goods or provision of any services:

(c) fixing standards for the goods used or produced by the undertakings;

(d) declaring unlawful, except to such extent and in such circumstances as may be provided by or under the order, the making or carrying out of any such agreement as may be specified or described in the order;

(e) requiring any party to any such agreement as may be so specified or described to determine the agreement within such time as may be so specified, either wholly or to such extent as may be so specified.

32. Monopolistic trade practice when to be deemed to be prejudicial to public interest.

For the purposes of this Chapter, a monopolistic trade practice shall be deemed to be prejudicial to public interest if, having regard to the economic conditions prevailing in the country and to all other matters which are relevant in the particular circumstances, the effect of the trade practice is or would be—

(a) to increase unreasonably the cost relating to the production, supply or distribution of goods or the performance of any service;

(b) to increase unreasonably—

(i) the prices at which goods are sold, or

(ii) the profits derived from the production, supply or distribution of goods or from the performance of any service;

(c) to reduce or limit unreasonably competition in the production, supply or distribution of any goods (including their sale or purchase) or the provision of any service;

(d) to limit or prevent unreasonably the supply of goods to consumers, or the provision of any service;

(e) to result in a deterioration in the quality of any goods or in the performance of any service.

CHAPTER V

Registration of Agreement Relating to Restrictive Trade Practices

33. Registrable agreements relating to restrictive trade practices.

(1) Any agreement relating to a restrictive trade practice falling within one or more of the following categories shall be subject to registration in accordance with the provisions of this Chapter, namely:—

(a) any agreement which restricts, or is likely to restrict, by any method the persons or classes of persons to whom goods are sold or from whom goods are bought;

(b) any agreement requiring a purchaser of goods, as a condition of such purchase, to purchase some other goods;

(c) any agreement restricting in any manner the purchaser in the course

of his trade from acquiring or otherwise dealing in any goods other than those of the seller or any other person;

(d) any agreement to purchase or sell goods or to tender for the sale or purchase of goods only at prices or on terms or conditions agreed upon between the sellers or purchasers;

(e) any agreement to grant or allow concessions or benefits, including allowances, discount, rebates or credit in connection with, or by reason of, dealings;

(f) any agreement to sell goods on condition that the prices to be charged on re-sale by the purchaser shall be the prices stipulated by the seller unless it is clearly stated that prices lower than those prices may be charged;

(g) any agreement to limit, restrict or withhold the output or supply of any goods or allocate any area or market for the disposal of the goods,

(h) any agreement not to employ or restrict the employment of any method, machinery or process in the manufacture of goods;

(i) any agreement for the exclusion from any trade association of any person carrying on or intending to carry on, in good faith the trade in relation to which the trade association is formed;

(j) any agreement to sell goods at such prices as would have the effect of eliminating competition or a competitor;

(k) any agreement not hereinbefore referred to in this section which the Central Government may, by notification in the Official Gazette, specify for the time being as being one relating to a restrictive trade practice within the meaning of this sub-section pursuant to any recommendation made by the Commission in this behalf;

(l) any agreement to enforce the carrying out of any such agreement as is referred to in this sub-section

(2) The provisions of this section shall apply, so far as may be, in relation to agreements making provision for services as they apply in relation to agreements connected with the production, supply, distribution or control of goods.

(3) No agreement falling within this section shall be subject to registration in accordance with the provisions of this Chapter if it is expressly authorised by or under any law for the time being in force or has the approval of the Central Government or if the Government is a party to such agreement

34. Registrar of restrictive trade agreements.

(1) For maintaining a register of agreements subject to registration under this Act and for performing the other functions imposed on him by this Act, there shall be appointed by the Central Government an officer to be known as the Registrar of Restrictive Trade Agreements

(2) The Central Government may appoint as many persons as it thinks fit to be Additional, Joint, Deputy or Assistant Registrars for the purpose of assisting the Registrar in the performance of his functions under this Act.

35. Registration of agreements.

(1) The Central Government shall, by notification in the Official Gazette, specify a day (hereinafter referred to as the appointed day) on and from which every agreement falling within Section 33 shall become registrable under this Act.

Provided that different days may be appointed for different categories of agreements.

(2) Within sixty days from the appointed day, in the case of an agreement existing on that day, and in the case of an agreement made after the appointed day, within sixty days from the making thereof, there shall be furnished to the Registrar in respect of every agreement falling within Sec. 33, the following particulars, namely:—

(a) the names of the persons who are parties to the agreement; and

(b) the whole of the terms of the agreement.

(3) If at any time after the agreement has been registered under this section, the agreement is varied (whether in respect of the parties or in respect of the terms thereof) or determined otherwise than by efflux of time, particulars of the variation or determination shall be furnished to the Registrar within one month after the date of the variation or determination

(4) The particulars to be furnished under this section in respect of an agreement shall be furnished—

(a) in so far as the agreement or any variation or determination of the agreement is made by an instrument in writing, by the production of the original or a true copy of that agreement; and

(b) in so far as the agreement or any variation or determination of the agreement is not so made, by the production of a memorandum in writing signed by the person by whom the particulars are furnished.

(5) The particulars to be furnished under this section shall be furnished by or on behalf of any person who is a party to the agreement, or as the case may be, was a party thereto immediately before its determination, and where the particulars are duly furnished by or on behalf of any such person, the provisions of this section shall be deemed to be complied with on the part of all such persons.

Explanation I.— Where any agreement subject to registration under this section relates to the production, supply, distribution or control of goods or the performance of any services in India and any party to the agreement carries on business in India, the agreement shall be deemed to be an agreement within the meaning of this sec-

tion, notwithstanding that any other party to the agreement does not carry on business in India.

Explanation II— Where an agreement is made by a trade association, the agreement for the purposes of this section shall be deemed to be made by all persons who are members of the association or represented thereon as if each such person were a party to the agreement.

Explanation III— Where specific recommendations, whether express or implied, are made by or on behalf of a trade association to its members, or to any class of its members, as to the action to be taken or not to be taken by them in relation to any matter effecting the trade conditions of those members, this section shall apply in relation to the agreement for the constitution of the association notwithstanding any provision to the contrary therein as if it contained a term by which each such member and any person represented on the association by any such member agreed with the association to comply with those recommendations and any subsequent recommendations affecting those recommendations.

36. Keeping the register.

(1) For the purposes of this Act, the Registrar shall keep a register in the prescribed form and shall enter therein the prescribed particulars as regards agreements subject to registration.

(2) The Registrar shall provide for the maintenance of a special section of the register for the entry or filing in that section of such particulars as the Commission may direct, being—

(a) particulars containing information, the publication of which would, in the opinion of the Commission be contrary to the public interest,

(b) particulars containing information as to any matter, being information the publication of which, in the opinion of the commission, would substantially damage the legitimate business interests of any person

(3) Any party to an agreement required to be registered under Sec. 35 may apply to the Registrar—

(i) for the agreement or any part of the agreement to be excluded from the provisions of this Chapter relating to the registration on the ground that the agreement or part thereof has no substantial economic significance, or

(ii) for inclusion of any provision of the agreement in the special section, and the Registrar shall dispose of the matter in conformity with any general or special directions issued by the Commission in this behalf.

CHAPTER VI

Control of Certain Restrictive Trade Practices

37. Investigation into restrictive trade practices by Commission.

(1) The Commission may inquire into any restrictive trade practice, whether the agreement, if any, relating

thereto has been registered under Section 35 or not, which may come before it for inquiry and, if after such inquiry it is of opinion that the practice is prejudicial to the public interest, the Commission may, by order, direct that—

(a) the practice shall be discontinued or shall not be repeated;

(b) the agreement relating thereto shall be void in respect of such restrictive trade practice or shall stand modified in respect thereof in such manner as may be specified in the order

(2) The Commission may, instead of making any order under this section, permit the party to any restrictive trade practice, if he so applies to take such steps within the time specified in this behalf by the Commission as may be necessary to ensure that the trade practice is no longer prejudicial to the public interest, and in any such case, if the Commission is satisfied that the necessary steps have been taken within the time specified, it may decide not to make any order under this section in respect of that trade practice.

(3) No order shall be made under sub-section (1) in respect of—

(a) any agreement between buyers relating to goods which are bought by the buyers for consumption and not for ultimate re-sale whether in the same or different form, type or specie or as constituent of some other goods;

(b) a trade practice which is expressly authorised by any law for the time being in force

(4) Notwithstanding anything contained in this Act, if the Commission, during the course of an inquiry under sub-section (1), finds that a monopolistic undertaking is indulging in restrictive trade practices, it may, after passing such orders under sub-section (1) or sub-section (2) with respect to the restrictive trade practices as it may consider necessary submit the case along with its findings thereon to the Central Government with regard to any monopolistic trade practice for such action as that Government may take under Section 31.

38. Presumption as to the public interest.

(1) For the purposes of any proceedings before the Commission under Section 37, a restrictive trade practice shall be deemed to be prejudicial to the public interest unless the Commission is satisfied of any one or more of the following circumstances, that is to say—

(a) that the restriction is reasonably necessary, having regard to the character of the goods to which it applies, to protect the public against injury (whether to persons or to premises) in connection with the consumption, installation or use of those goods;

(b) that the removal of the restriction would deny to the public as purchasers, consumers or users of any goods, other specific and substantial benefits or advantages enjoyed or like-

ly to be enjoyed by them as such, whether by virtue of the restriction itself or of any arrangements or operations resulting therefrom;

(c) that the restriction is reasonably necessary to counter-act measures taken by any one person not party to the agreement with a view to preventing or restricting competition in or in relation to the trade or business in which the persons party thereto are engaged;

(d) that the restriction is reasonably necessary to enable the persons party to the agreement to negotiate fair terms for the supply of goods to, or the acquisition of goods from, any one person not party thereto who controls a preponderant part of the trade or business of acquiring or supplying such goods, or for the supply of goods to any person not party to the agreement and not carrying on such a trade or business who, either alone or in combination with any other such persons, controls a preponderant part of the market for such goods;

(e) that, having regard to the conditions actually obtaining or reasonably foreseen at the time of the application, the removal of the restriction would be likely to have a serious and persistent adverse effect on the general level of unemployment in an area, or in areas taken together, in which a substantial proportion of the trade, or industry to which the agreement relates is situated;

(f) that, having regard to the conditions actually obtaining or reasonably foreseen at the time of the application, the removal of the restriction would be likely to cause a reduction in the volume or earnings of the export business which is substantial either in relation to the whole export business of India or in relation to the whole business (including export business) of the said trade or industry;

(g) that the restriction is reasonably required for purposes in connection with the maintenance of any other restriction accepted by the parties, whether under the same agreement or under any other agreement between them, being a restriction which is found by the Commission not to be contrary to the public interest upon grounds other than those specified in this paragraph, or has been so found in previous proceedings before the Commission; or

(h) that the restriction does not directly or indirectly restrict or discourage competition to any material degree in any relevant trade or industry and is not likely to do so.

and is further satisfied (in any such case) that the restriction is not unreasonable having regard to the balance between those circumstances and any detriment to the public or to persons not parties to the agreement (being purchasers, consumers or users of goods produced or sold by such parties, or persons engaged or seeking to become engaged in the trade or business of selling such goods or of producing or selling similar goods) resulting

or likely to result from the operation of the restriction.

(2) In this section "purchasers", "consumers" and "users" include persons purchasing, consuming or using for the purpose or in course of trade or business or for public purposes; and references in this section to any one person include references to any two or more persons being inter-connected undertakings or individuals carrying on business in partnership with each other.

39. Special conditions for avoidance of conditions for maintaining re-sale prices.

(1) Without prejudice to the provisions of this Act with respect to registration and to any of the powers of the Commission or of the Central Government under this Act, any term or condition of a contract for the sale of goods by a person to a wholesaler or retailer or any agreement between a person and a wholesaler or retailer relating to such sale shall be void in so far as it purports to establish or provide for the establishment of minimum prices to be charged on the re-sale of goods in India.

(2) After the commencement of this Act, no supplier of goods whether directly or through any person or association of persons acting on his behalf shall notify to dealers or otherwise publish on or in relation to any goods, a price stated or calculated to be understood as the minimum price which may be charged on the re-sale of the goods in India.

(3) This section shall apply to patented articles (including articles made by a patented process and articles made under any trade mark) as it applies to other goods and notice of any term or condition which is void by virtue of this section or which would be so void if included in a contract of sale or agreement relating to the sale of such article shall be of no effect for the purpose of limiting the right of a dealer to dispose of that article without infringement of the patent or trade mark, as the case may be.

Provided that nothing in this section shall affect the validity as between the parties and their successors, of any term or condition of a licence granted by the proprietor of a patent or trade mark by a licensee under any such licence or of any assignment of a patent or trade mark, so far as it regulates the price at which articles produced or processed by the licensee or the assignee may be sold by him.

Explanation. — In this section and in Section 40, the term "supplier", in relation to supply of any goods, means a person who supplies goods to any person for the ultimate purpose of re-sale and includes a wholesaler, and the term "dealer" includes a supplier and a retailer.

40. Prohibition of other measures for maintaining re-sale prices.

(1) Without prejudice to the provisions of this Act with respect to regis-

tration and to any of the powers of the Commission or of the Central Government under this Act, no supplier shall withhold supplies of any goods from any wholesaler or retailer seeking to obtain them for re-sale in India on the ground that the wholesaler or retailer—

(a) has sold in India at a price below re-sale price, goods obtained, either directly or indirectly, from that supplier, or has supplied such goods, either directly or indirectly, to a third party who had done so; or

(b) is likely if the goods are supplied to him to sell them in India at a price below that price or supply them, either directly or indirectly, to a third party who would be likely to do so.

(2) Nothing contained in sub-section (1) shall render it unlawful for a supplier to withhold supplies of goods from any wholesaler or retailer or to cause or procure another supplier to do so if he has reasonable cause to believe that the wholesaler or the retailer, as the case may be, has been using as loss leaders any goods of the same or a similar description whether obtained from that supplier or not.

(3) A supplier of goods shall be deemed to be withholding supplies of goods from a dealer if he—

(a) refuses or fails to supply those goods to the order of the dealer;

(b) refuses to supply those goods to the dealer except at prices, or on terms or conditions as to credit, discount or other matters which are less favourable than those at or on which he normally supplies those goods to other dealers carrying on business in similar circumstances; or

(c) treats a dealer, in spite of a contract with such dealer for the supply of goods, in a manner less favourable than that in which he normally treats other dealers in respect of time or methods of delivery or other matters arising in the performance of the contract.

(4) A supplier shall not be deemed to be withholding supplies of goods on any of the grounds mentioned in sub-section (1), if, in addition to that ground, he has any other ground which alone would entitle him to withhold such supplies.

Explanation I.—“Re-sale price”, in relation to sale of goods of any description, means any price notified to the dealer or otherwise published by or on behalf of the supplier of the goods in question (whether lawfully or not) as the price or minimum price which is to be charged on, or is recommended as appropriate for, a sale of that description or any price prescribed or purporting to be prescribed for that purpose by any contract or agreement between the wholesaler or retailer and any such supplier.

Explanation II.—A wholesaler or retailer is said to use goods as loss leaders when he re-sells them otherwise than in a genuine seasonal or clearance sale not for the purpose of making a profit on the re-sale but for the purpose of

attracting to the establishment at which the goods are sold, customers likely to purchase other goods or otherwise for the purpose of advertising his business.

41. Power of Commission to exempt particular classes of goods from Sections 39 and 40.

(1) The Commission may, on a reference made to it by the Registrar or any other person interested, by order, direct that goods of any class specified in the order shall be exempt from the operation of Sections 39 and 40 if the Commission is satisfied that in default of a system of maintained minimum re-sale prices applicable to those goods—

(a) the quality of goods available for sale or the varieties of goods so available would be substantially reduced to the detriment of the public as consumers or users of those goods, or

(b) the prices at which the goods are sold by retail would, in general and in the long run, be increased to the detriment of the public as such consumers or users, or

(c) any necessary services actually provided in connection with or after the sale of the goods by retail would cease to be so provided or would be substantially reduced to the detriment of the public as such consumers or users.

(2) On a reference under this section in respect of goods of any class which have been the subject of proceedings before the Commission under Section 31, the Commission may treat as conclusive any evidence of fact made in those proceedings.

CHAPTER VII

Power to Obtain Information And Appoint Inspectors

42. Power of Registrar to obtain information.

(1) If the Registrar has reasonable cause to believe that any person is a party to an agreement subject to registration under Section 35, he may give notice to that person requiring him within such time, not less than thirty days, as may be specified in the notice, to notify to the Registrar whether he is a party to any such agreement, and, if so, to furnish to the Registrar such particulars of the agreement as may be specified in the requisition.

(2) The Registrar may give notice to any person by whom particulars are furnished under Section 35 in respect of an agreement or to any other person being a party to the agreement requiring him to furnish to the Registrar such further documents or information in his possession or control as the Registrar may consider expedient for the purpose of, or in connection with, the registration of the agreement.

(3) Where a notice under this section is given to a trade association, the notice may be given to the secretary, manager or other similar officer of the association and for the purposes of this section any such association shall be treated as a party to an agreement to

which members of the association, or persons represented on the association by those members, are parties as such.

(4) If the particulars called for under sub-section (1) or sub-section (2) are not furnished, the Commission may, on the application of the Registrar,—

(a) order the person or, as the case may be, the association to furnish those particulars to the Registrar within such time as may be specified in the order, or

(b) authorise the Registrar to treat the particulars contained in any document or information in his possession as the particulars relating to the agreement, or

(c) in case the Commission is satisfied that the failure to furnish the particulars is wilful, make an order restraining wholly or partly the parties to the agreement from acting on such agreement and from making any other agreement to the like effect.

43. Power to call for information.

Notwithstanding anything contained in any other law for the time being in force, the Central Government may, by a general or special order, call upon any undertaking to furnish to that Government periodically or as and when required any information concerning the activities carried on by the undertaking, the connection between it and any other undertaking, including such other information relating to its organisation, business, cost of production, conduct, trade practice or management, as may be prescribed to enable that Government to carry out the purposes of this Act

44. Power to appoint Inspectors.

(1) The Central Government may, if it is of opinion that there are circumstances suggesting that an undertaking is indulging in any monopolistic or restrictive trade practice or is, in any way, trying to acquire any control over any dominant or inter-connected undertaking, appoint one or more inspectors for making an investigation into the affairs of the undertaking.

(2) The provisions of Section 240 and Section 240-A of the Companies Act, 1956 so far as may be, shall apply to an investigation made by an inspector appointed under this section as they apply to an investigation made by the inspector appointed under that Act.

CHAPTER VIII

Offences And Penalties

45. Penalty for contravention of Section 21.

If any person contravenes the provisions of Section 21 or any order made thereunder, he shall be punishable with fine which may extend to rupees one lakh.

46. Penalty for contravention of Section 22 or Section 23 or Section 24 or Section 27.

If any person contravenes the provisions of Section 22 or Section 23 or Section 24 or Section 27, he shall be punishable with fine which may extend

to rupees one lakh, and where the offence is a continuing one, with a further fine which may extend to one thousand rupees for every day, after the first, during which such contravention continues.

47. Penalty for contravention of Section 25.

If any person contravenes, without any reasonable excuse, the provisions of Section 25 he shall be punishable with fine which may extend to two thousand rupees, and where the offence is a continuing one, with a further fine which may extend to two hundred rupees for every day, after the first, during which such contravention continues.

48. Penalty for failure to register agreements.

(1) If any person fails, without any reasonable excuse, to register an agreement which is subject to registration under this Act, he shall be punishable with fine which may extend to five thousand rupees, and where the offence is a continuing one, with a further fine which may extend to five hundred rupees for every day, after the first, during which such failure continues

(2) If any undertaking, to which Part A of Chapter III applies, fails, without any reasonable excuse, to make an application under Section 26, to register itself as an undertaking to which that Part applies, then,—

(a) the undertaking, where it is a company, or

(b) every partner of the undertaking, where it is a firm, or

(c) where it is not a company or a firm, every person who owns or controls the undertaking, shall be punishable with fine which may extend to one thousand rupees, and where the offence is a continuing one with a further fine which may extend to fifty rupees for every day, after the first, during which such failure continues.

49. Penalty for offences in relation to furnishing of information.

(1) If any person fails, without any reasonable excuse, to furnish any information required under Section 43 or to comply with any notice duly given to him under Section 42, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both, and where the offence is a continuing one, with a further fine which may extend to one hundred rupees for every day, after the first, during which such failure continues.

(2) If any person, who furnishes or is required to furnish any particulars, documents or any information—

(a) makes any statement or furnishes any document which he knows or has reason to believe to be false in any material particular; or

(b) omits to state any material fact knowing it to be material; or

(c) wilfully alters, suppresses or destroys any document which is required to be furnished as aforesaid, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

50. Penalty for offences in relation to orders under the Act.

If any person contravenes any order made under Section 13 or section 31 or Section 37, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and where the offence is a continuing one, with a further fine which may extend to five hundred rupees for every day, after the first, during which such contravention continues.

51. Penalty for offences in relation to re-sale price maintenance.

If any person contravenes the provisions of Section 39 or Section 40, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

52. Penalty for wrongful disclosure of information.

If any person discloses an information in contravention of Section 60, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

53. Offences by companies.

(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section —

(a) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

CHAPTER IX

Miscellaneous

54. Power of Central Government to impose conditions, limitations and restrictions on approvals etc., given under the Act.

(1) The Central Government may, while —

(a) according any approval, sanction, permission, confirmation or recognition, or

(b) giving any direction or issuing any order, or

(c) granting any exemption, under this Act in relation to any matter, impose such conditions, limitations or restrictions as it may think fit.

(2) The Central Government shall have the power to modify any scheme of finance submitted to it under this Act in such manner as it thinks fit.

(3) If any condition, limitation or restriction imposed by the Central Government under sub-section (1) or any term of a scheme of finance, as modified under sub-section (2), is contravened, the Central Government may rescind or withdraw the approval, sanction, permission, confirmation, recognition, direction, order or exemption made or granted by it.

55. Appeals.

Any person aggrieved by any order made by the Central Government under Chapter III or Chapter IV, or, as the case may be, or the Commission under Section 13 or Section 37, may within sixty days from the date of the order, prefer an appeal to the Supreme Court on one or more of the grounds specified in Section 100 of the Code of Civil Procedure, 1908.

56. Jurisdiction of courts to try offences.

No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

57. Cognizance of offences.

No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in Section 21 of the Indian Penal Code.

58. Magistrates' power to impose enhanced penalties.

Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Presidency Magistrate or any Magistrate of the first class to pass any sentence authorised by this Act in excess of his powers under Section 32 of the said Code.

59. Protection regarding statements made to the Commission.

No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statements:

Provided that the statement—

(a) is made in respect to a question which he is required by the Commission to answer; and

(b) is relevant to the subject-matter of the inquiry.

60. Restriction on disclosure of information.

(1) No information relating to any undertaking, being an information which has been obtained by or on behalf of the Commission for the purposes of this Act, shall, without the previous permission in writing of the owner for the time being of the undertaking, be disclosed otherwise than in compliance with or for the purposes of this Act.

(2) Nothing contained in sub-section (1) shall apply to a disclosure of an information made for the purpose of any legal proceeding pursuant to this Act or of any criminal proceeding which may be taken, whether pursuant to this Act or otherwise, or for the purposes of any report relating to any such proceeding.

61. Power of the Central Government to require the Commission to submit a report.

The Central Government may at any time require the Commission to submit to it a report on the general effect on the public interest of such trade practices as, in the opinion of that Government, either constitute or contribute to monopolistic or restrictive trade practices or concentration of economic power to the common detriment.

62. Reports of the Commission to be placed before Parliament.

The Central Government shall cause to be laid before both Houses of Parliament an annual report, and every report which may be submitted to it by the Commission from time to time, pertaining to the execution of the provision of this Act.

63. Members, etc., to be public servants.

Every member of the Commission, the Director and the Registrar, and every member of the staff of the Commission, and of the Director and the Registrar, shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of Section 21 of the Indian Penal Code.

64. Protection of action taken in good faith.

(1) No suit, prosecution or other legal proceedings shall lie against the Commission or any member, officer or servants of the Commission, the Director, the Registrar or any member of the staff of the Director or the Registrar in respect of anything which is in good faith done or intended to be done under this Act.

(2) No suit shall be maintainable in any civil court against the Central Government or any officer or employee of that Government for any damage caused by anything done under, or in

pursuance of any provisions of, this Act.

65. Inspection of, and extracts from, the register.

(1) The register, other than the special section, shall be open to public inspection during such hours and subject to the payment of such fees, not exceeding rupees twenty-five, as may be prescribed.

(2) Any person may upon the payment of such fee, not exceeding rupee one, for every one hundred words, as may be prescribed, require the Registrar to supply to him a copy of, or extract from, any particulars entered or filed in the register, other than the special section, certified by the Registrar to be a true copy or extract.

(3) A copy of, or extract from, any document entered or filed in the register certified under the hand of the Registrar or any officer authorised to act in this behalf shall, in all legal proceedings, be admissible in evidence as of equal validity with the original.

66. Power to make regulations.

(1) The Commission may make regulations for the efficient performance of its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such regulations may provide for all or any of the following matters, namely:—

(a) the conditions of service, as approved by the Central Government, of persons appointed by the Commission;

(b) the issue of the processes to Government and to other persons and the manner in which they may be served;

(c) the manner in which the special section of the register shall be maintained and the particulars to be entered or filed therein;

(d) the duties and functions of the Registrar and the Director;

(e) the payment of costs of any proceedings before the Commission by the parties concerned and the general procedure and conduct of the business of the Commission;

(f) any other matter for which regulations are required to be, or may be, made under this Act.

67. Power to make rules.

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which notices may be given or applications may be made to it under this Act and the fees payable therefor;

(b) the particulars to be furnished under this Act and the form and manner in which they may be furnished;

(c) the conditions of service of members of the Commission and the Registrar;

(d) the places and the manner in which the register shall be maintained by the Registrar and the particulars to be entered therein;

(e) the fees payable for inspection of the register and for obtaining certified copies of particulars from the register;

(f) the travelling and other expenses payable to persons summoned by the Commission to appear before it;

(g) the criterion to be adopted for determining the circumstances in which conditions or matters enumerated in Sections 21, 23 and 25 shall be considered to exist;

(h) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE ASSAM REORGANISATION (MEGHALAYA) ACT, 1969 (ACT 55 OF 1969)

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THE ASSAM REORGANISATION (MEGHALAYA) ACT, 1969

(Act 55 of 1969)*

[29th December, 1969]

An Act to provide for the formation within the State of Assam of an autonomous State to be known as Meghalaya and for matters connected therewith.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows —

PART I

Preliminary

1. Short title and commencement.

(1) This Act may be called the Assam Reorganisation (Meghalaya) Act, 1969

(2) It shall come into force on such date† as the Central Government may, by notification in the Official Gazette, appoint.

Provided that different dates may be appointed for different provisions of this Act.

2. Definitions.

In this Act unless the context otherwise requires,—

(a) "appointed day" means such date as the Central Government may, by notification in the Official Gazette, appoint for the formation of the autonomous State;

(b) "article" means an article of the Constitution;

(c) "Autonomous State" means the autonomous State of Meghalaya formed under Section 3,

(d) "constituency" means a territorial constituency provided by order made under Section 12 for the purpose of election to the Legislative Assembly;

(e) "Election Commission" means the Election Commission appointed by the President under Article 324;

(f) "Governor" means the Governor of Assam exercising his functions as Governor in relation to Meghalaya by virtue of this Act;

(g) "law" includes any enactment, Ordinance, regulation, order, bye-law,

*. Received the assent of the President on 29-12-1969. Act published in Gazette of India, 30-12-1969, Pt. II, S. 1, Ext. p 465

†. The date appointed for Sections 2 and 3 is 12-1-1970 — See Gazette of India, 12-1-70, Pt II, S. 3 (1), Ext. p. 17.

rule, scheme, notification or other instrument, having immediately before the appointed day, the force of law in the whole or in any part of the autonomous State;

(h) "Legislative Assembly" means the Legislative Assembly of Meghalaya.

(i) "Meghalaya" means the autonomous State referred to in Section 3;

(j) "member" means a member of the Legislative Assembly;

(k) "Official Gazette" means the Official Gazette of Meghalaya or the Gazette of India; and

(l) "prescribed" means prescribed by rules made under this Act;

PART II

Formation of the Autonomous State of Meghalaya

3. Formation of Meghalaya.

(1) On and from the appointed day, there shall be formed within the State of Assam an autonomous State to be known as Meghalaya which shall, subject to the provisions of sub-section (2), comprise the following tribal areas, namely :—

(i) The United Khasi-Jaintia Hills District as described in sub-paragraph (2) of paragraph 20 of the Sixth Schedule to the Constitution (exclusive of the proviso thereto) but excluding the areas transferred to the Mikir Hills autonomous district by the notification of the Government of Assam No. TAD/R/31/50/149 dated the 13th April, 1951, and

(ii) the Garo Hills District specified in Part A of the table appended to paragraph 20 aforesaid.

(2) If, before such date as the Central Government may, by notification in the Official Gazette, fix for the purpose not being a date later than the appointed day, the District Council for the autonomous district of the North Cachar Hills or the Mikir Hills or both, as the case may be, has or have by resolution passed by a majority of not less than two thirds of the members thereof, expressed a desire that the said autonomous district or districts shall form part of Meghalaya, the President may, by order, make a declaration to that effect and accordingly, on and from the appointed day, the North Cachar Hills District or the Mikir Hills District or both, as the case may be, shall also form part of Meghalaya.

4. Executive power of Meghalaya.

(1) The executive power of Meghalaya shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Act.

(2) Nothing in this section shall—

(a) be deemed to transfer to the Governor any functions conferred by any existing law on any other authority; or

(b) prevent Parliament or the Legislature of the State of Assam or Meghalaya from conferring by law functions on any authority subordinate to the Governor.

5. Extent of executive power of Meghalaya.

(1) Subject to the provisions of this Act, the executive power of Meghalaya shall extend to the matters with respect to which the Legislature of Meghalaya has power to make laws.

Provided that in any matter with respect to which the Legislature of Meghalaya, the Legislature of the State of Assam and Parliament have power to make laws, the executive power of Meghalaya shall be subject to, and limited by, the executive power expressly conferred by this Act or by any law made by Parliament upon the Union or the State of Assam or the authorities thereof or, as the case may be, by the Legislature of the State of Assam upon the State of Assam or authorities thereof.

(2) On and from the appointed day, the executive power of the State of Assam shall not extend, in relation to Meghalaya, to the matters with respect to which the Legislature of Meghalaya has exclusive power to make laws under this Act.

(3) For the removal of doubts, it is hereby declared that, save as otherwise provided in this Act the executive power of the State of Assam shall, in relation to Meghalaya, continue to extend to the matters with respect to which the Legislature of Meghalaya has no power to make laws.

6. Council of Ministers.

(1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions in relation to Meghalaya.

(2) The question whether any, and if so, what, advice was tendered by Ministers to the Governor shall not be inquired into in any Court.

7. Other provisions as to Ministers.

(1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor.

(2) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(3) Before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the form set out for this purpose in the First Schedule.

(4) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly shall at the expiration of that period cease to be a Minister.

(5) The salaries and allowances of Ministers shall be such as the Legislature of Meghalaya may from time to time by law determine and, until the Legislature so determines, shall be determined by the Governor.

the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly and inform the Assembly of the causes of its summonings.

(2) Provision shall be made by the rules regulating the procedure of the Legislative Assembly for the allotment of time for discussion of the matters referred to in such address.

22. Rights of Ministers as respects Legislative Assembly.

Every Minister and the Advocate-General for Meghalaya shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not, by virtue of this section, be entitled to vote.

Officers of the Legislative Assembly

23. Speaker and Deputy Speaker of Legislative Assembly.

(1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof, and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) A member holding office as Speaker or Deputy Speaker of the Legislative Assembly—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand address, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office; and

(c) may be removed from his office by a resolution of the Legislative Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of Clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Legislative Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Legislative Assembly as the Governor may appoint for the purpose.

(4) During the absence of the Speaker from any sitting of the Legislative Assembly, the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Legislative Assembly, or, if no such person is present, such

other person as may be determined by the Legislative Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislature of Meghalaya by law and, until provision in that behalf is so made, such salaries and allowances as the Governor may, by order, determine.

24. Speaker and Deputy Speaker not to preside while a resolution for his removal from office is under consideration.

(1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or, while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside and the provisions of subsec. (4) of S. 23 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Legislative Assembly and shall, notwithstanding anything in Section 27, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

25. Secretariat of Legislative Assembly.

(1) The Legislative Assembly shall have a separate secretarial staff.

(2) The Legislature of Meghalaya may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly.

(3) Until provision is made by the Legislature of Meghalaya under sub-section (2), the Governor may, after consultation with the Speaker of the Legislative Assembly, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly, and any rules so made shall have effect subject to the provisions of any law made under the said sub-section.

Conduct of business

26. Oath or affirmation by members.

Every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Governor, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

27. Voting in Assembly. power of Assembly to act notwithstanding vacancies and quorum.

(1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly shall be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.

(2) The Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(4) Until the Legislature of Meghalaya by law otherwise provides, the quorum to constitute a meeting of the Legislative Assembly shall be ten members.

(5) If at any time during a meeting of the Legislative Assembly there is no quorum, it shall be the duty of the Speaker or person acting as such either to adjourn the Assembly or suspend the meeting until there is a quorum.

Disqualifications of members

28. Vacation of seats.

(1) No person shall be a member of Parliament or of the Legislative Assembly of the State of Assam and also of the Legislative Assembly of Meghalaya, and if a person is chosen a member of Parliament or of the Legislative Assembly of Assam and also of the Legislative Assembly of Meghalaya, then at the expiration of such period, as may be specified in rules made by the President, that person's seat in Parliament or, as the case may be, in the Legislative Assembly of Assam shall become vacant unless he has previously resigned his seat in the Legislative Assembly of Meghalaya.

(2) If a member of the Legislative Assembly—

(a) becomes subject to any of the disqualifications mentioned in Sec. 29, or

(b) resigns his seat by writing under his hand addressed to the Speaker, his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly is, without permission of the Legislative Assembly, absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Legislative Assembly is prorogued or is adjourned for more than four consecutive days.

29. Disqualifications for membership.

(1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly.—

(a) if he holds any office of profit under the Government of India or the Government of any State or the Government of Meghalaya other than an office declared by the Legislature of Meghalaya by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent Court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgment of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any of the provisions of Chapter III of Part II of the Representation of the People Act, 1951, as applied to and in relation to the Legislative Assembly by section 17.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of Meghalaya by reason only, that he is a Minister either for the Union or for such State or for Meghalaya.

(3) If any question arises as to whether a member has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the Governor and his decision shall be final.

(4) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

30. Penalty for sitting and voting before making an oath or affirmation or when not qualified or when disqualified.

If a person sits or votes as a member of the Legislative Assembly before he has complied with the requirements of Section 26, or when he knows that he is not qualified or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament or the Legislature of Meghalaya, he shall be liable in respect of each day on which he so sits or votes, to a penalty of five hundred rupees to be recovered as a debt due to Meghalaya.

31. Powers, privileges, etc., of members.

(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislature of Meghalaya, there shall be freedom of speech in the Legislative Assembly of Meghalaya.

(2) No member of the Legislative Assembly of Meghalaya shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under

the authority of the Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof shall be such as may from time to time be defined by the Legislature of Meghalaya by law, and until so defined, shall be those for the time being enjoyed by the House of the People and its members and committees.

4 The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, or otherwise to take part in the proceedings of, the Legislative Assembly or any committee thereof as they apply in relation to members of that Assembly

32. Salaries and allowances of members.

Members of the Legislative Assembly shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislature of Meghalaya by law and, until provision in that respect is so made, such salaries and allowances as the Governor may, by order, determine.

Legislative powers and procedure

33. Extent of Legislative Power.

(1) Subject to the provisions of this Act, the Legislature of Meghalaya has exclusive power to make laws for Meghalaya or any part thereof with respect to any of the matters enumerated in Part A or Part B of the Second Schedule :

Provided that the exclusive power of the Legislature of Meghalaya to make laws in so far as it relates to that part of the area comprised within the municipality of Shillong as immediately before the commencement of the Constitution formed part of the Khasi State of Myllem, shall extend only to matters with respect to which the District Council having authority in that area has power to make laws (in whatever form it may be) immediately before the appointed day in exercise of any of the powers conferred by the Sixth Schedule to the Constitution

(2) Subject to the provisions of this Act, the Legislature of Meghalaya and the Legislature of the State of Assam also shall have power to make laws for Meghalaya or any part thereof with respect to any of the matters enumerated in Part C of the Second Schedule :

Provided that the power of the Legislature of Meghalaya to make any such law shall not extend to the area comprised within the municipality of Shillong which immediately before commencement of the Constitution formed part of the Khasi State of Myllem.

(3) For the removal of doubts it is hereby declared that nothing in sub-section (1) or sub-section (2) shall derogate from the powers conferred by the Constitution—

(a) on Parliament to make laws for the whole or any part of the State of Assam, including Meghalaya, with respect to any of the matters enumerated in the Second Schedule; or

(b) on the Legislature of the State of Assam to make laws for the whole or any part of Assam, including Meghalaya, with respect to any of the matters enumerated in List II or List III in the Seventh Schedule to the Constitution, except in so far as any of the matters aforesaid falls within sub-section (1).

34. Exemption from taxation of properties of the Union and the State of Assam and of certain vehicles registered in Assam or Meghalaya.

(1) The property of the Union shall, save in so far as Parliament may, by law, otherwise provide, be exempt from all taxes imposed by Meghalaya or by any authority within Meghalaya.

(2) Nothing in sub-section (1) shall, until Parliament by law otherwise provides, prevent any authority within Meghalaya from levying any tax on any property of the Union to which such property was immediately before the commencement of this Act liable or treated as liable so long as that tax continues to be levied in Meghalaya.

(3) The property of the State of Assam shall, so long as the property of Meghalaya in the rest of Assam is exempt from taxes imposed by the Government of Assam or by any authority within the State of Assam, be exempt from all taxes imposed by Meghalaya or by any authority within Meghalaya.

(4) No vehicle registered at any place in the State of Assam, not being a place in Meghalaya, and transiting through Meghalaya shall be liable to any tax under any law enacted by the Legislature of Meghalaya so long as any vehicle registered at any place in Meghalaya and transiting through the territory of Assam (not comprised in Meghalaya) is exempt from payment of any tax under any law enacted by the Legislature of the State of Assam

35. Inconsistency between laws made by Parliament and laws made by the Legislature of Meghalaya.

(1) If any provision of a law made by the Legislature of Meghalaya is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, then, subject to the provisions of sub-section (2), the law made by Parliament, whether passed before or after the law made by the Legislature of Meghalaya, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of Meghalaya shall to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of Meghalaya with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, which the Legislature of Meghalaya is competent to enact under this Act contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of Meghalaya shall, if it has been reserved for the consideration of the President and has received his assent, prevail in Meghalaya:

Provided that nothing in this subsection shall prevent Parliament from enacting at any time any law with respect to the same matter, including a law adding to, amending, varying or repealing the law so made by the Legislature of Meghalaya.

36. Inconsistency between laws made by the Legislature of the State of Assam and laws made by the Legislature of Meghalaya.

Where a law made by the Legislature of Meghalaya with respect to one of the matters enumerated in Part C of the Second Schedule contains any provision repugnant to the provision of an earlier law made by the Legislature of the State of Assam which that Legislature is competent to enact, or to any provision of any existing law with respect to that matter, then, the law so made by the Legislature of Meghalaya shall, to the extent of the repugnancy, be void unless the law has received assent under Sec. 39 after the Governor has obtained the advice of the Chief Minister of Assam:

Provided that nothing contained in this section shall prevent the Legislature of the State of Assam from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of Meghalaya.

Explanation 1 — In this section and in Sections 35 and 59, "existing law" means any law, Ordinance, order, bye-law, rule or regulation passed or made before the appointed day by any Legislature, authority or person having power to make such a law, Ordinance, order, bye-law, rule or regulation.

Explanation 2. — In this section and in Sections 39 and 50, the reference to the advice of the Chief Minister of Assam shall, while a Proclamation issued in relation to the State of Assam under Clause (1) of Article 356 of the Constitution is in operation, be construed as a reference to the instructions from the President.

37. Special provisions as to financial Bills.

(1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly except on the recommendations of the Governor if such Bill or amendment makes provi-

sions dealing with any of the following matters, namely:—

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by Meghalaya, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by Meghalaya;

(c) the custody of the Consolidated Fund or the Contingency Fund of Meghalaya, the payment of moneys into, or withdrawal of moneys from, any such Fund;

(d) the appropriation of moneys out of the Consolidated Fund of Meghalaya;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of Meghalaya, or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of Meghalaya or the public account of Meghalaya or the custody or issue of such money:

Provided that no recommendation shall be required under this subsection for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters specified in sub-section (1) by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill, which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of Meghalaya, shall not be passed by the Legislative Assembly unless the Governor has recommended to the Assembly the consideration of the Bill.

38. Procedure as to lapsing of Bills.

A Bill pending in the Legislative Assembly shall not lapse by reason of the prorogation of the Assembly, but shall lapse on a dissolution thereof.

39. Assent to Bills.

When a Bill has been passed by the Legislative Assembly, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Governor may, as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the Legislative Assembly will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may re-

commend in his message and when a Bill is so returned, the Legislative Assembly shall reconsider the Bill accordingly, and if the Bill is passed again by the Assembly with or without amendment and presented to the Governor for assent, the Governor shall not—

(a) give assent in the case of a Bill containing provisions of the nature referred to in Section 36 except after obtaining the advice of the Chief Minister of Assam;

(b) withhold assent in the case of any other Bill.

Explanation.— For the purposes of this section and Section 40, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of Section 37 or any matter incidental to any of those matters and there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill.

Provided that a Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

40. Bills reserved for consideration.

When a Bill is reserved by the Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom,

Provided that where the Bill is not a Money Bill, the President may direct the Governor to return the Bill to the Legislative Assembly together with such a message as is referred to in Section 39, and when a Bill is so returned, the Legislative Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message, and if it is again passed by the Legislative Assembly with or without amendment, it shall be presented again to the President for his consideration.

41. Requirements as to sanction and recommendation to be regarded as matters of procedure only.

No Act of the Legislature of Meghalaya and no provision in any such Act shall be invalid by reason only that some recommendation or previous sanction required by the Constitution or this Act was not given, if assent to that Act was given—

(a) where the recommendation required was that of the Governor, either by the Governor or by the President;

(b) where the recommendation or previous sanction required was that of the President, by the President.

Procedure in financial matters

42. Annual Financial Statement.

(1) The Governor shall in respect of every financial year cause to be laid

before the Legislative Assembly a statement of the estimated receipts and expenditure of Meghalaya for that year, hereinafter referred to as "the annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of Meghalaya; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of Meghalaya, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged upon the Consolidated Fund of Meghalaya—

(a) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly;

(b) debt charges for which the autonomous State is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(c) any sums required to satisfy any judgment, decree or award of any Court or arbitral tribunal; and

(d) any other expenditure declared by the Constitution or by the Legislature of Meghalaya to be so charged.

43. Procedure in Legislative Assembly with respect to estimates.

(1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of Meghalaya shall not be submitted to the vote of the Legislative Assembly, but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

44. Appropriation Bills.

(1) As soon as may be after the grants under Section 43 have been made by the Legislative Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of Meghalaya of all moneys required to meet—

(a) the grants so made by the Legislative Assembly; and

(b) the expenditure charged on the Consolidated Fund of Meghalaya but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of Meghalaya, and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the provisions of Sections 45 and 46, no money shall be withdrawn from the Consolidated Fund of Meghalaya except under appropriation made by law passed in accordance with the provisions of this section.

45. Supplementary, additional or excess grants.

(1) The Governor shall,—

(a) if the amount authorised by any law made in accordance with the provisions of Section 44 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, cause to be laid before the Legislative Assembly another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly a demand for such excess, as the case may be.

(2) The provisions of Sections 42, 43 and 44 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of Meghalaya to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of Meghalaya to meet such expenditure or grant.

46. Votes on Account and exceptional grant.

(1) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in Section 43 for the voting of such grant and the passing of the law in accordance with the provisions of Section 44 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources

of the autonomous State when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;

(c) to make an exceptional grant which forms no part of the current service of any financial year; and the Legislature of Meghalaya shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of Meghalaya for the purpose for which the said grants are made.

(2) The provisions of Sections 43 and 44 shall have effect in relation to the making of any grant under sub-section (1) and to any law to be made under that sub-section, as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of Meghalaya to meet such expenditure.

Procedure generally

47. Rules of procedure.

(1) The Legislative Assembly may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business including the language or languages to be used in the Legislative Assembly.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Assam in force immediately before the commencement of this Act shall have effect in relation to the Legislative Assembly subject to such modifications and adaptations as may be made therein by the Governor.

48. Restrictions on discussion in the Legislative Assembly.

No discussion shall take place in the Legislative Assembly with respect to the conduct of any Judge of the Supreme Court, or of a High Court, in the discharge of his duties.

49. Courts not to enquire into the proceedings of Legislative Assembly.

(1) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business or for maintaining order, in the Legislative Assembly shall be subject to the jurisdiction of any Court in respect of the exercise by him of those powers.

Legislative power of the Governor

50. Power of Governor to promulgate Ordinances during recess of Legislative Assembly.

(1) If at any time, except when the Legislative Assembly is in session, the

Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require :

Provided that the Governor shall not without instructions from the President promulgate any such Ordinance, if—

(a) a Bill containing the same provisions would under the Constitution or this Act have required the previous sanction of the President for the introduction thereof into the Legislative Assembly of Meghalaya; or

(b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or

(c) an Act of the Legislature of Meghalaya containing the same provisions would under this Act have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President :

Provided further that the Governor shall not, except on the advice of the Chief Minister of Assam, promulgate any such Ordinance if with respect to a Bill containing the same provisions he would have deemed it necessary under this Act to obtain the advice of the Chief Minister before assenting thereto.

(2) An Ordinance promulgated under this section shall have the same force and effect as an Act of the Legislative Assembly assented to by the Governor, but every such Ordinance—

(a) shall be laid before the Legislative Assembly and shall cease to operate at the expiration of six weeks from the reassembly of the Legislative Assembly or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly, upon the passing of the resolution; and

(b) may be withdrawn at any time by the Governor.

(3) If and so far as an Ordinance under this section makes any provision which would not be valid if enacted in an Act of the Legislature of Meghalaya assented to by the Governor, it shall be void :

Provided that—

(a) for the purposes of Section 35 relating to the effect of an Act of the Legislature of Meghalaya which is repugnant to an Act of Parliament or an existing law with respect to a matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution, an Ordinance promulgated under this section in pursuance of instructions from the President shall be deemed to be an Act of the Legislature which has been reserved for the consideration of the President and assented to by him;

(b) for the purposes of Section 36 relating to the effect of an Act of the Legislature of Meghalaya which is repugnant to an Act of the Legislature of

the State of Assam or an existing law with respect to a matter enumerated in Part C of the Second Schedule, an Ordinance promulgated under this section on the advice of the Chief Minister of Assam shall be deemed to be an Act of the Legislature which has been assented to on the advice of the Chief Minister

PART IV

Financial provisions

51. Consolidated Fund.

(1) Subject to the provisions of Section 52, all revenue received by the Government of Meghalaya, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of Meghalaya".

(2) All other public moneys received by or on behalf of the Government of Meghalaya shall be credited to the public account of Meghalaya.

(3) No moneys out of the Consolidated Fund of Meghalaya shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Act

52. Contingency Fund.

The Legislature of Meghalaya may, by law, establish a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of Meghalaya" into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the Governor to enable advances to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature of Meghalaya by law under Section 45 or Section 46

53. Custody of suitors' deposits and other moneys received by public servants and Courts.

All moneys received by or deposited with—

(a) any officer employed in connection with the affairs of Meghalaya in his capacity as such, other than revenues or public moneys raised or received by the Government of Meghalaya, or

(b) any Court within Meghalaya to the credit of any cause, matter, account or persons shall be paid into the public account of Meghalaya.

54. Custody, etc., of Consolidated Fund, Contingency Fund and moneys credited to the public accounts.

The custody of the Consolidated Fund and the Contingency Fund of Meghalaya, the payment of moneys into such Funds, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Funds received by or on behalf of the Government of Meghalaya their payment into the public account

of Meghalaya and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by law made by the Legislature of Meghalaya, and, until provision in that behalf is so made, shall be regulated by rules made by the Governor.

55. Certain taxes levied by Assam to be appropriated by Meghalaya.

(1) Notwithstanding anything contained in this Act, any tax on the consumption or sale of electricity relating to Entry 53 in the State List in the Seventh Schedule to the Constitution, and any tax on the sale or purchase of goods relating to Entry 54 in the said List levied by the Government of Assam shall be collected within Meghalaya but not including any area comprised within the municipality of Shillong by the Government of Meghalaya, and the proceeds in any financial year of any such tax leviable within Meghalaya shall not form part of the Consolidated Fund of Assam but shall form part of the Consolidated Fund of Meghalaya.

(2) Where a tax relating to Entry 54 in the State List aforesaid levied by the Government of Assam is collected by that Government at the first point of sale or purchase of goods, such portion of the tax on so collected as may be agreed upon by the Government of Assam and Meghalaya or in default of such agreement, as the Central Government may determine, shall be payable to Meghalaya.

(3) The laws with respect to the taxes referred to in sub-section (1) shall have effect subject to such exceptions and modifications as the Central Government may, by order, specify for the purpose of giving effect to the provisions of that sub-section.

56. Distribution of revenues.

(1) The grants-in-aid under Cl. (1) of Article 275 and the share of the taxes on income, the distributable Union duties of excise, the additional duties of excise on goods of special importance and estate duty payable to the State of Assam under the Constitution (Distribution of Revenues) Order, 1969, the Union Duties of Excise (Distribution) Act, 1962, the Additional Duties of Excise (Goods of Special Importance) Act, 1957 and the Estate Duty (Distribution) Act, 1962, shall be construed, as from the appointed day, as payable to the State of Assam and the autonomous State of Meghalaya in such proportion as the President may, by order, determine.

(2) Every order made by the President under sub-section (1) shall be laid before Parliament as soon as may be after it is made.

57. Authorisation of expenditure pending its sanction by Legislative Assembly.

The Governor may, at any time before the appointed day, authorise such

expenditure from the Consolidated Fund of Meghalaya as he deems necessary for a period of not more than six months beginning with the appointed day pending the sanction of that expenditure by the Legislative Assembly:

Provided that the Governor may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of Meghalaya for any period not extending beyond the said period of six months.

PART V

Assets and Liabilities

58. Apportionment of assets and liabilities.

The assets and liabilities of the State of Assam immediately before the appointed day shall be apportioned between that State and Meghalaya in accordance with the provisions contained in the Third Schedule.

PART VI

Administrative Relations

59. Obligation of Meghalaya, the State of Assam and the Union.

The executive power of Meghalaya shall be so exercised as to ensure compliance with the laws made by Parliament, the Legislature of the State of Assam and any existing laws which apply in Meghalaya, and the executive power of the Union and of the State of Assam shall extend to the giving of such directions to Meghalaya as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

60. Control over the autonomous State in certain cases.

The executive power of Meghalaya shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union or the Government of Assam, as the case may be, and the executive power of the Union and the State of Assam shall extend to the giving of such directions to Meghalaya as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

61. Entrustment of functions.

Notwithstanding anything in this Act,—

(a) the Government of Assam may, with the consent of the Government of Meghalaya, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State of Assam extends;

(b) the Government of Meghalaya may, with the consent of the Government of Assam, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of Meghalaya extends.

PART VII

Transitional provisions

62. Provisions as to Provisional Legislative Assembly.

(1) Until the Legislative Assembly of Meghalaya has been duly constituted and summoned to meet for the first session under the provisions of Part III, there shall be a Provisional Legislative Assembly which shall consist of not less than thirty-five and not more than fifty-five persons as the Central Government may, after consultation with the Election Commission, by order, determine, and such persons shall be elected in the manner specified in subsection (2).

(2) Subject to the provisions of subsection (1), the members of the Provisional Legislative Assembly shall be elected in the following manner, namely:—

(a) there shall be an electoral college for each autonomous district within Meghalaya which shall consist of the elected members of the District Council thereof, and each electoral college shall elect such number of persons to the Provisional Legislative Assembly as the President may, after consultation with the Election Commission, by order, determine,

(b) the election of members to the Provisional Legislative Assembly shall be in accordance with the system of proportional representation by means of the single transferable vote and shall be subject to such rules as the Central Government may, after consultation with the Election Commission, make in this behalf.

(3) The Central Government may nominate to the Provisional Legislative Assembly not more than three persons, not being persons in the service of the Government, to represent any minority communities in Meghalaya which, in its opinion, need representation in the Assembly.

(4) No person shall be qualified to be chosen as a member of the Provisional Legislative Assembly unless he is a person whose name is for the time being entered in the electoral roll for so much of any constituency of the Legislative Assembly of Assam as is comprised within Meghalaya and is not less than twenty-five years of age.

(5) If owing to death, resignation or otherwise, the office of a member of the Provisional Legislative Assembly falls vacant, it may be filled up as soon as practicable under and in accordance with the foregoing provisions of this section.

(6) The term of office of the members of the Provisional Legislative Assembly shall expire immediately before the first meeting of the Legislative Assembly duly constituted under this Act.

(7) The election by the electoral college under this section shall not be called in question on the ground merely of the existence of a vacancy in the membership of any District Council forming part of the electoral college.

(8) The Provisional Legislative Assembly constituted under this section shall, for so long it is in existence, be deemed to be the Legislative Assembly duly constituted under this Act, and accordingly the provisions of Part III shall, so far as may be, apply in relation to the Provisional Legislative Assembly as they apply in relation to the Legislative Assembly.

Part VIII

Miscellaneous provisions

63. Special committee for development of Shillong.

The Central Government may, in consultation with the Governments of Assam and Meghalaya, by order, constitute a committee consisting of such number of persons as it may think fit for advising the two Governments on matters of common interest with respect to Shillong in the field of education and water supply in particular, and with respect to its development and administration in general

Explanation.— In this section, Shillong shall mean the areas comprised within the cantonment and municipality of Shillong and include such other areas adjoining the said cantonment or municipality as may be agreed upon by the Governments of Assam and Meghalaya in this behalf.

64. Provisions as to continuance of courts.

All Courts and tribunals and all authorities discharging lawful functions throughout Meghalaya or any part thereof of immediately before the appointed day shall, unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent authority, continue to exercise their respective functions.

65. Provisions relating to services.

(1) Every person who being a member of an All-India Service is for the time being borne on the Assam State Cadre of that Service or is otherwise serving in connection with the affairs of the State of Assam as a member of Class I service of that State may be required by the Government of that State to serve in connection with the affairs of Meghalaya for such period or periods as the Government of Assam may, by order, direct:

Provided that no such order shall be made—

(a) before the appointed day, except with the approval of the Central Government; and

(b) on or after the appointed day, except in accordance with such rules as may be made by the Central Government after consultation with the Governments of Assam and Meghalaya.

(2) Subject to any general or special order which the Central Government may make in this behalf, the control over any such person as is referred to in subsection (1) shall, for so long as he is required to serve in connection

with the affairs of Meghalaya, be vested in the Government of Meghalaya

(3) Such persons serving in connection with the affairs of the State of Assam immediately before the appointed day, not being a person referred to in sub-section (1), as may be determined by agreement between the Government of Assam and the Government of Meghalaya or in default of agreement by the Central Government, may, notwithstanding anything in the terms of their appointments or their conditions of service, be required to serve in connection with the affairs of the autonomous State.

(4) All previous service rendered by a person referred to in sub-section (3) in connection with the affairs of the State of Assam shall be deemed to have been rendered in connection with the affairs of the autonomous State for the purposes of the rules regulating his conditions of service.

(5) Nothing in sub-sections (3) and (4) shall be deemed to affect the power of the Legislature of Meghalaya or the Governor to determine the conditions of service of persons serving in connection with the affairs of Meghalaya.

Provided that the conditions of service applicable immediately before the appointed day to any person referred to in sub-section (3) shall not be varied to his disadvantage except with the previous approval of the Government of Assam.

66. Continuance of existing laws and their adaptations.

(1) All laws in force immediately before the appointed day in the autonomous State shall continue to be in force therein until altered, repealed or amended by a competent legislature or other competent authority.

(2) For the purpose of facilitating the application in relation to the autonomous State of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make such adaptations or modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent legislature or other competent authority.

Explanation.— In this section, the expression “appropriate Government” means as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government, as respects any law relating to a matter in the Second Schedule, the Government of Meghalaya, and, as respects any other law, the Government of Assam.

67. Autonomous State to be a State for certain purposes of the Constitution.

Subject to the other provisions contained in this Act, reference to a State (by whatever form of words) in any of the following articles of the Constitu-

tion shall be construed as including a reference to the autonomous State, namely:—

Articles 12 to 15 (inclusive), 16 [except clause (3) thereof], 18, 19, 23, 25, 28 to 31 (inclusive), 31A, 34 to 51 (inclusive), 53, 59, 66, 73, 102, 110 (1) (f), 131, 138, 149, 150, 151, 161, 209, 210, 233, 234, 235, 237, 251, 252, 256 to 258A (inclusive), 261, 262, 263, 268, 269, 270, 272, 274 to 280 (inclusive), 282, 288, 289, 293, 296, 298 to 305 (inclusive), 308 to 311 (inclusive), 320, 323 (2), 324 to 329 (inclusive), 339 to 342 (inclusive), 345 to 348 (inclusive), 350, 350A, 350B, 353, 355 to 358 (inclusive), 360, 361, 364 to 367 (inclusive).

Explanation.— Reference in any of the articles above specified to the High Court or to the State Public Service Commission shall be construed as reference to the High Court of Assam or the Public Service Commission of the State of Assam, as the case may be.

68. Power of Governments of Assam and Meghalaya to carry on trade, etc., in Meghalaya.

(1) The executive power which the Government of Assam may exercise under Article 298 in Meghalaya for the carrying on of any trade or business and for the acquisition, holding and disposal of property and the making of contracts for any purpose shall, in so far as such trade or business or such purpose is not one with respect to which the Legislature of the State of Assam may make laws, be subject to legislation by the Legislature of Meghalaya.

(2) The executive power which the Government of Meghalaya may exercise under Article 298 in Meghalaya for the carrying on of any trade or business and for the acquisition, holding and disposal of property and the making of contracts for any purpose shall, in so far as such trade or business or such purpose is not one with respect to which the Legislature of Meghalaya may make laws, be subject also to legislation by the Legislature of the State of Assam.

69. Power to suspend provisions of this Act in case of failure of constitutional machinery.

Where a Proclamation is issued under Article 356 in respect of Meghalaya, the President may, by the same Proclamation or a subsequent Proclamation varying it, suspend also, in whole or in part, the operation of any of the provisions of this Act.

70. Construction of references to “State” and “State Government” in other laws in relation to Meghalaya.

Without prejudice to the provisions of Sections 66 and 71 the Central Government may, after consulting the Government of Assam, by notification in the Official Gazette, declare that any reference to a “State” in a Central Act specified in the notification shall, in its application to Meghalaya, be construed as a reference to the whole or any part

of Meghalaya and any reference to "State Government" in a Central Act specified in the notification shall in its application to Meghalaya be construed as a reference to the Central Government.

71. Power to construe laws.

Notwithstanding that no provision or insufficient provision has been made under Section 66 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the autonomous State, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

72. Effect of provisions of Act inconsistent with other laws.

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

73. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

(2) Every order made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

74. Amendment of the Sixth Schedule.

The Sixth Schedule in the Constitution shall stand amended as specified in the Fourth Schedule.

75. Amendment of Act 2 of 1934.

In section 21A of the Reserve Bank of India Act, 1934, in sub-section (1), after the words "any State", the brackets and words "(including the autonomous State of Meghalaya)" shall be inserted.

76. Amendment of Act 37 of 1956.

In Section 16 of the States Reorganisation Act, 1956, in sub-section (1), for clause (d), the following clause shall be substituted, namely,—

"(d) in the case of the Eastern Zone,—

(i) the Chief Minister and another Minister of the autonomous State of Meghalaya to be nominated by the Governor of Assam and if there is no Council of Ministers therein, not more than two members from the autonomous State of Meghalaya to be nominated by the President; and

(ii) the person for the time being holding the office of the Advisor to the Governor of Assam for Tribal areas."

77. Power to make rules.

(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid as soon as may be

after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE FIRST SCHEDULE

(See Sections 7, 16 and 26)

Forms Of Oaths Or Affirmations

I

Form of oath or affirmation to be made by a candidate for election to the Legislative Assembly—

"I, A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly of Meghalaya do swear in the name of God

solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

II

Form of oath or affirmation to be made by a member of the Legislative Assembly:—

"I, A.B., having been elected (or nominated) a member of the Legislative Assembly of Meghalaya do swear in the name of God

solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

III

Form of oath of office for a member of the Council of Ministers—

swear in the name of God

"I, A.B., do

solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Minister for Meghalaya, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will."

IV

Form of oath of secrecy for a member of the Council of Ministers—

swear in the name of God

"I, A.B., do

solemnly affirm

that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for Meghalaya except as may be required for the due discharge of my duties as such Minister.”.

THE SECOND SCHEDULE

(See Sections 33 and 36)

Autonomous State List

[See Section 33 (1)]

Matters with respect to which the legislative Assembly has exclusive power to make laws.

PART A

The following matters enumerated or to the extent included in List II—State List*.

1. Village and town police within the meaning of clause (f) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution (Entry 2).
2. Administration of justice; constitution and organisation of all courts except the Supreme Court and the High Court; procedure in rent and revenue courts; fees taken in all courts except the Supreme Court and the High Court (Entry 3).
3. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with the State of Assam and other States for the use of prisons and other institutions (Entry 4).
4. Local Government, that is to say, the Constitution and powers of Municipal Corporations, improvement trusts, District Boards, mining settlement authorities and other local authorities for the purpose of local self-Government or village administration (Entry 5).
5. Public health and sanitation, hospitals and dispensaries (Entry 6).
6. Pilgrimages other than pilgrimages to places outside India (Entry 7).
7. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase, and sale of intoxicating liquors (Entry 8).
8. Relief of the disabled and unemployable (Entry 9).
9. Burials and burial grounds; cremations and cremation grounds (Entry 10).
10. Education including universities, subject to the provisions of entries 63, 64, 65 and 66 of List I and Entry 25 of List III (Entry 11).
11. Libraries, museums and other similar institutions controlled or financed by the autonomous State; ancient and historical monuments and records

*Note. — References in this Schedule to List I, List II or List III or to entries therein are references to the said List or entries therein the Seventh Schedule to the Constitution; and references in brackets at the end of each entry are reference to the corresponding entries in List II or List III in the said Schedule and have been inserted for the sake of convenience only.

other than those declared by or under law made by Parliament to be of national importance (Entry 12).

12. Communications—that is to say, roads, bridges, ferries and other means of communication not specified in List I, but excluding roads, bridges and ferries declared by the Legislature of Assam by law to be State highways; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles (Entry 13).

13. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases subject to the provisions of entry 1 of Part C (Entry 14).

14. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice (Entry 15).

15. Pounds and the prevention of cattle trespass (Entry 16).

16. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power, subject to the provisions of Entry 56 of List I, but excluding water-supplies, irrigation and canals, drainage and embankments, water storage and water power in relation to irrigation, hydro-electric and navigation projects financed by the Government of Assam wholly or in part and declared by the Legislature of the State of Assam by law to be projects of State importance (Entry 17).

17. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans, colonization (Entry 18).

18. Forests, subject to the provisions of entry 2 of Part C (Entry 19).

19. Protection of wild animals and birds (Entry 20).

20. Fisheries (Entry 21).

21. Courts of wards subject to the provisions of entry 34 of List I: encumbered and attached estates (Entry 22).

22. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union (Entry 23).

23. Gas and gas-works (Entry 25).

24. Trade and commerce within the autonomous State subject to the provisions of entry 33 of List III (Entry 26).

25. Markets and fairs (Entry 28).

26. Weights and measures except establishment of standards (Entry 29).

27. Money-lending and money-lenders: relief of agricultural indebtedness (Entry 30).

28. Inns and inn-keepers (Entry 31).

29. Incorporation, regulation and winding up of universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies (Entry 32).

30. Theatres and dramatic performances; cinemas subject to the provisions of entry 60 of List I; sports, entertainments and amusements (Entry 33).

31 Betting and gambling (Entry 34).

32 Works, lands and buildings vested in or in the possession of the autonomous State (Entry 35).

33 Elections to the legislature of the autonomous State subject to the provisions of any law made by Parliament (Entry 37).

34 Salaries and allowances of members, Speaker and Deputy Speaker of the Legislative Assembly (Entry 38).

35 Powers, privileges and immunities of the Legislative Assembly and of the members and committees thereof, enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of Meghalaya (Entry 39).

36 Salaries and allowances of Ministers for the autonomous State (Entry 40).

37 Public services of the autonomous State (Entry 41).

38. Pensions payable by the autonomous State or out of the Consolidated Fund of Meghalaya (Entry 42).

39. Public debt of the autonomous State (Entry 43).

40. Treasure trove (Entry 44.)

41. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues (Entry 45.)

42. Taxes on agricultural income (Entry 46).

43. Duties in respect of succession to agricultural land (Entry 47).

44 Estate duty in respect of agricultural land (Entry 48).

45 Taxes on lands and buildings (Entry 49).

46. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development (Entry 50).

47. Duties of excise on the following goods manufactured or produced in the autonomous State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India:—

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics; but not including medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry (Entry 51).

48. Taxes on the entry of goods into a local area for consumption, use or sale therein (Entry 52).

49 Taxes on advertisements other than advertisements published in the newspapers (Entry 55).

50 Taxes on goods and passengers carried by road or on inland waterways (Entry 56).

51. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads including tram-cars subject to the provisions of entry 35 of List III (Entry 57)

52. Taxes on animals and boats (Entry 58)

53. Tolls (Entry 59).

54 Taxes on professions, trades, callings and employments (Entry 60)

55. Capitation taxes (Entry 61).

56. Taxes on luxuries, including taxes on entertainment, amusements, betting and gambling (Entry 62)

57. Rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty (Entry 63).

58 Any other matter not enumerated in this Part and in respect of which a District Council has power to make laws under paragraph 3 of the Sixth Schedule in the Constitution, to the extent to which it is not included in entry 16 of this Part and entry 2 of Part C.

59. Offences against laws with respect to any of the matters in this Part (Entry 64).

60 Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this Part (Entry 65).

61 Fees in respect of any of the matters in this Part, but not including fees taken in any court (Entry 66).

PART B

The following matters enumerated or to the extent included in List III—Concurrent List.

1. Marriage and divorce; wills intestacy and succession; social customs; appointment or succession of Chiefs or Headmen (Entry 5).

2 Offences against laws with respect to any of the matters in this Part (Entry 1)

3. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this Part (Entry 46).

4. Fees in respect of any of the matters in this Part, but not including fees taken in any court (Entry 47).

Concurrent List between the autonomous State and the State of Assam

PART C

[See Section 33 (2)]

Matters with respect to which the Legislature of Meghalaya and the Legislature of the State of Assam also have power to make laws, namely, the following matters enumerated or to the extent included in List II — State List and List III — Concurrent List.

1. Scheme of agriculture designed to benefit both the areas of the autonomous State as well as the rest of Assam (Entry 14 of List II).

2. Conversion of forests in catchment areas of projects referred to in entry 16 of Part A, financed by the Government of Assam wholly or in part and declared by the Legislature of the

Legislature of the State of Assam by law to be projects of State importance (Entry 19 of List II)

3. Industries subject to the provisions of entries 7 and 52 of List I (Entry 24 of List II).

4. Production, supply and distribution of goods, subject to the provisions of entry 33 of List III (Entry 27 of List II).

5. Removal from the autonomous State to any other area of the State of Assam or to any other State of prisoners and accused persons (Entry 4 of List III).

6. Transfer of property other than agricultural land, subject to entry 58 of Part A; registration of deeds and documents (Entry 6 of List III).

7. Economic and social planning (Entry 20 of List III).

8. Acquisition and requisitioning of property (Entry 42 of List III).

9. Recovery in the autonomous State of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such arrears, arising outside the autonomous State (Entry 43 of List III).

10. Inquiries and statistics for the purposes of any of the matters specified in this Schedule (Entry 45 of List III).

11. Offences against laws with respect to any of the matters in this Part (Entry 64 of List II and Entry 1 of List III).

12. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this Part (Entry 65 of List II and Entry 46 of List III).

13. Fees in respect of any of the matters in this Part, but not including fees taken in any court (Entry 66 of List II and Entry 47 of List III).

THE THIRD SCHEDULE

(See Section 58)

Apportionment Of Assets And Liabilities

1. Definitions.

In this Schedule.—

(a) "purpose of the autonomous State" means a purpose relatable to any of the matters in respect of which the Legislature of Meghalaya has power to make laws under this Act; and

(b) "population ratio", in relation to Meghalaya, means such ratio as the Central Government may, by order, specify as the ratio between the population as ascertained at the last preceding census of Meghalaya and the rest of the State of Assam

2. Lands and goods.

(1) Subject to the other provisions contained in this Schedule, all land and all stores, articles and other goods held by the State of Assam within the territories of Meghalaya shall, on the appointed day, pass to Meghalaya, if the purposes for which they were held will be purposes of the autonomous State.

(2) Stores relating to the Secretariat and offices of Heads of Departments

having jurisdiction over the areas comprised partly in Meghalaya and partly in the rest of Assam and unissued stores shall be divided between the State of Assam and Meghalaya in accordance with such directions as the Central Government may think fit to issue for a just and equitable distribution thereof

Explanation — In this paragraph, the expression "land" includes immovable property of every description and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

3. Treasury and bank balances.

The total of the cash balances in all treasuries of the State of Assam and the balances of that State with the Reserve Bank of India or any other bank immediately before the appointed day shall be divided between the State of Assam and Meghalaya according to the population ratio.

Provided that for the purpose of such division there shall be no transfer of cash balance from any treasury to any other treasury, and the apportionment shall be effected by adjusting the balance of the State of Assam and Meghalaya in the books of the Reserve Bank of India on the appointed day or in such other manner as the Central Government may, by order, direct

4. Arrears of taxes.

Meghalaya shall have the right to recover the arrears of any tax or duty, including the arrears of land revenue, on property situate in Meghalaya and shall also have the right to recover the arrears of any other tax or duty if the place of assessment of that tax or duty is located in Meghalaya:

Provided that nothing in this paragraph shall apply in relation to arrears of any tax or duty which Meghalaya is not competent to collect

5. Right to recover loans and advances.

(1) The right to recover any loans or advances made before the appointed day by the State of Assam to any local body, society, agriculturist or other person in Meghalaya shall belong to Meghalaya, if the purpose for which the loans or advances were made will thereafter be a purpose of the autonomous State.

(2) The right to recover loans and advances of pay and travelling allowances to a Government servant made before the appointed day by the State of Assam shall pass to Meghalaya if, after the appointed day, that Government servant is required to serve in connection with the affairs of Meghalaya under sub-section (3) of Section 65.

6. Investments and credits in certain funds.

The investments made before the appointed day from the Cash Balance Investment Account and any other general fund of the State of Assam shall, after the appointed day, be divided be-

tween the State of Assam and Meghalaya according to the population ratio; and the investments in any special fund the objects of which are confined to a local area in Meghalaya shall pass to Meghalaya if such investment relates to a purpose of the autonomous State.

7. Assets and liabilities of State undertakings and investments.

(1) The assets and liabilities in Meghalaya on the appointed day relating to any commercial or industrial undertaking of the State of Assam other than an undertaking on which the State of Assam has incurred a capital outlay exceeding rupees fifty lakhs or a Government company shall, after the appointed day, pass to Meghalaya if the purpose of the undertaking relates to a purpose of the autonomous State.

(2) Where a depreciation reserve fund is maintained by the State of Assam for any such undertaking as is referred to in sub-paragraph (1), the securities held in respect of such investments made from that fund shall pass to Meghalaya.

(3) The investments of the State of Assam made before the appointed day in any body corporate or co-operative society whose area of operation or jurisdiction extends to areas comprised partly within Meghalaya and partly within the rest of the State of Assam, or in any Government company or private commercial or industrial undertaking, shall, if the Central Government so directs, be allocated between the Government of Assam and the Government of Meghalaya in such proportion as may be agreed upon between the two Governments within one year from the date of the direction aforesaid or, in default of such agreement, as the Central Government may by order direct.

8. Public debt.

(1) The public debt of the State of Assam attributable to loans raised by the issue of Government securities and outstanding with the public immediately before the appointed day shall continue to be the public debt of that State, and Meghalaya shall be liable to pay to the State of Assam its share of the sums due from time to time for the servicing and repayment of the debt.

(2) For the purpose of determining the share referred to in sub-paragraph (1), the debt shall be deemed to be divided between the State of Assam and Meghalaya as if it were a debt referred to in sub-paragraph (4).

(3) Out of so much of the public debt of Assam, other than the public debt referred to in sub-paragraph (1), as is equal to the amount of loans and advances made by that State and outstanding on the appointed day, the share of the liability of Meghalaya shall be for an amount equal to the loans and advances recoverable by Meghalaya under paragraph 5.

(4) The remaining public debt of the State of Assam attributable to loans

taken from the Central Government, the Reserve Bank of India or any other body or bank outstanding immediately before the appointed day, shall be divided between the State of Assam and Meghalaya in proportion to the total capital expenditure on all capital works and other capital outlays incurred or deemed to have been incurred by the State of Assam up to the appointed day and the total expenditure on all capital works and other capital outlays incurred or deemed to have been incurred up to that day in Meghalaya for purposes of the autonomous State.

(5) For the purposes of this paragraph, "Government security" means a security created and issued by the State of Assam for the purpose of raising a public loan and having any of the forms specified in or prescribed under clause (2) of Section 2 of the Public Debt Act, 1944.

9. Refund of taxes collected in excess.

After the appointed day, it shall be the liability of Meghalaya to refund any tax or duty on property, including land revenue, collected in excess on any property situate in Meghalaya or any other tax or duty collected in excess, if the place of assessment of that tax or duty is situate in Meghalaya.

Provided that nothing in this paragraph shall apply to the refund of any tax or duty which Meghalaya is not competent to collect.

10. Deposits, etc.

The liability of the State of Assam in respect of any civil deposit or local fund deposit made before the appointed day in any place situate in Meghalaya, shall become the liability of Meghalaya if the deposit is for any purpose of the autonomous State.

11. Provident Fund.

The liability of the State of Assam in respect of the Provident Fund account of a Government servant required to serve in connection with the affairs of Meghalaya under subsection (3) of Section 65 shall, on and from the appointed day, be the liability of Meghalaya.

12. Pensions.

The liability of the State of Assam or Meghalaya in respect of pensions shall be apportioned between the two in such manner as may be agreed upon between them or in default of such agreement, in such manner as the Central Government may, by order specify.

13. Contract.

(1) Where, before the appointed day, the State of Assam has made any contract in the exercise of its executive power for any of the purposes of that State, that contract shall be deemed to have been made in the exercise of the executive power of Meghalaya if the purpose is as from that day exclusively a purpose of the autonomous State and all rights and liabilities which have accrued, or may accrue, under any such contract shall, to the extent to which they would have been rights

or liabilities of Assam, be rights or liabilities of Meghalaya.

(2) For the purposes of this paragraph, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract —

(a) any liability to satisfy an order or award made by any court or tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in, or in connection with, any such proceedings.

(3) This paragraph shall have effect subject to the other provisions of this Schedule relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

14. Liability in respect of actionable wrong.

Where, immediately before the appointed day, the State of Assam is subject to any liability in respect of an actionable wrong other than a breach of contract, that liability shall be the liability of Meghalaya if it relates thereafter to a purpose of the autonomous State.

15. Liability as guarantor.

Where, immediately before the appointed day, the State of Assam is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability shall be the liability of Meghalaya if it relates thereafter to a purpose of the autonomous State.

16. Items in suspense.

If any item in suspense relating to a purpose of the autonomous State is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing paragraphs of this Schedule, it shall be dealt with in accordance with that provision.

17. Residuary provisions.

The benefit or burden of any asset or liability of the State of Assam which relates to a purpose of the autonomous State and which is not dealt with in any of the foregoing paragraphs of this Schedule, shall pass to Meghalaya.

18. Apportionment of assets and liabilities by agreement.

Where the State of Assam and Meghalaya agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that as provided for in the foregoing paragraphs of this Schedule, then, notwithstanding anything contained therein, the benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

19. Power of Central Government to order allocation or adjustment in certain cases.

Where, by virtue of any of the provisions of this Schedule, the State of

Assam or Meghalaya is entitled to any property, or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made to it within a period of three years from the appointed day by the State of Assam or the autonomous State, as the case may be, that it is just and equitable that that property or those benefits should be transferred to one of the two States or shared between them, or that a contribution towards that liability should be made by either of the States, the said property or benefits shall be allocated in such manner, or Meghalaya or the State of Assam shall make to the other State primarily subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the Government of Assam and the Government of Meghalaya, by order, determine.

THE FOURTH SCHEDULE

(See Section 74)

Amendments To The Sixth Schedule Of The Constitution

(1) In the Sixth Schedule to the Constitution (hereinafter referred to as the Sixth Schedule), in sub-paragraph (3) of paragraph 1, after clause (f), the following clause shall be inserted, namely:—

“(ff) alter the name of any autonomous district;”;

(2) In paragraph 2 of the Sixth Schedule,—

(i) for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:—

“(1) There shall be a District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage.”;

(ii) in sub-paragraph (6) —

(a) in clause (e), for the words “such Councils”, the words “Regional Councils” shall be substituted;

(b) in clause (g), after the words “conduct of business”, the brackets and words “(including the power to act notwithstanding any vacancy)” shall be inserted;

(iii) after sub-paragraph (6), the following sub-paragraph shall be inserted, namely:—

“(6A) The elected members of the District Council shall hold office for a term of five years from the date appointed for the first meeting of the Council after the general elections to the Council, unless the District Council is sooner dissolved under paragraph 16 and a nominated member shall hold office at the pleasure of the Governor:

Provided that the said period of five years may, while a Proclamation of Emergency is in operation or if circumstances exist which, in the opinion of the Governor, render the holding of elections impracticable, be extended by the Governor for a period not exceeding

one year at a time and in any case where a Proclamation of Emergency is in operation not extending beyond a period of six months after the Proclamation has ceased to operate.

Provided further that a member elected to fill a casual vacancy shall hold office only for the remainder of the term of office of the member whom he replaces."

(iv) in sub-paragraph (7) —

(a) after the words "make rules", where they first occur the words "with the approval of the Governor" shall be inserted, and where they occur a second time, the words "with like approval" shall be inserted;

(b) the second proviso shall be omitted.

3. In paragraph 3 of the Sixth Schedule, in sub-paragraph (1), —

(i) in the proviso to clause (a), for the words "Government of Asam", the words "Government of Assam or the Government of Meghalaya" shall be substituted;

(ii) for clause (i), the following clause shall be substituted, namely:—

(i) "marriage and divorce;"

4. In paragraph 4 of the Sixth Schedule, the following sub-paragraph shall be inserted at the end, namely:—

"(5) On and from such date as the President may, after consulting the Government of Assam or, as the case may be, the Government of Meghalaya, by notification appoint in this behalf, this paragraph shall have effect in relation to such autonomous district or region as may be specified in the notification, as if —

(i) in sub-paragraph (1), for the words "between the parties all of whom belong to Scheduled Tribes within such areas, other than suits and cases to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply", the words "not being suits and cases of the nature referred to in sub-paragraph (1) of paragraph 5 of this Schedule, which the Governor may specify in this behalf," had been substituted,

(ii) sub-paragraphs (2) and (3) had been omitted;

(iii) in sub-paragraph (4) —

(a) for the words "A Regional Council or District Council, as the case may be, may with the previous approval of the Governor make rules regulating", the words "The Governor may make rules regulating" had been substituted, and

(b) for clause (a), the following clause had been substituted, namely:—

"(a) the constitution of village councils and courts, the powers to be exercised by them under this paragraph and the courts to which appeals from the decisions of village councils and courts shall lie";

(c) for clause (c), the following clause had been substituted, namely —

"(c) the transfer of appeals and other proceedings pending before the Regional or District Council or any court constituted by such Council immediately

before the date appointed by the President under sub-paragraph (5);" and

(d) in clause (e), for the words, brackets and figures "sub-paragraphs (1) and (2)", the word, brackets and figure "sub-paragraph (1)" had been substituted".

5. In paragraph 5 of the Sixth Schedule, after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:—

"(4) On and from the date appointed by the President under sub-paragraph (5) of paragraph 4 in relation to any autonomous district or autonomous region, nothing contained in this paragraph shall, in its application to that district or region, be deemed to authorise the Governor to confer on the District Council or Regional Council or on courts constituted by the District Council any of the powers referred to in sub-paragraph (1) of this paragraph."

6. For paragraph 6 of the Sixth Schedule, the following paragraph shall be substituted, namely:—

Powers of the District Council to establish primary schools, etc.

"6. (1) The District Council for an autonomous district may establish, construct, or manage primary schools, dispensaries, markets, cattle ponds, ferries, fisheries, roads, road transport and waterways in the district and may, with the previous approval of the Governor, make regulations for the regulation and control thereof and, in particular, may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

(2) The Governor may, with the consent of any District Council entrust either conditionally or unconditionally to that Council or to its officers functions in relation to agriculture, animal husbandry, community projects, co-operative societies, social welfare, village planning or any other matter to which the executive power of the State of Assam or Meghalaya, as the case may be, extends."

7. In paragraph 7 of the Sixth Schedule, for sub-paragraph (2), the following sub-paragraphs shall be substituted, namely:—

"(2) The Governor may make rules for the management of the District Fund, or, as the case may be, the Regional Fund and for the procedure to be followed in respect of payment of money into the said Fund, the withdrawal of moneys therefrom, the custody of moneys therein and any other matter connected with or ancillary to the matters aforesaid.

(3) The accounts of the District Council or, as the case may be, the Regional Council shall be kept in such form as the Comptroller and Auditor-General of India may, with the approval of the President, prescribe.

(4) The Comptroller and Auditor-General shall cause the accounts of the District and Regional Councils to be audited in such manner as he may think fit, and the reports of the Comptroller and Auditor-General shall be submitted to the President."

troller and Auditor-General relating to such accounts shall be submitted to the Governor who shall cause them to be laid before the Council."

8. In paragraph 8 of the Sixth Schedule, in sub-paragraph (4), the following words shall be inserted at the end, namely :—

"and every such regulation shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect."

9. After para. 12 of the Sixth Schedule, the following paragraph shall be inserted, namely:—

Special provisions as respects application of laws in Meghalaya.

"12-A. (1) Notwithstanding anything contained in paragraph 12,—

(a) if any provision of a law made by a District or Regional Council in Meghalaya with respect to any of the matters specified in clause (b) or clause (c) of sub-paragraph (1) of paragraph 3 of this Schedule is repugnant to any provision of a law made by the Legislature of the State of Assam with respect to any project declared by the Legislature of that State to be of State importance, then, the law made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the Legislature of the State of Assam, shall to the extent of the repugnancy, be void and the law made by the Legislature of the State of Assam shall prevail;

(b) if any provision of a law made by a District or Regional Council in Meghalaya with respect to any of the matters specified in clause (b) or clause (c) or clause (f) of sub-paragraph (1) of paragraph 3 of this Schedule is repugnant to any provision of a law made by the Legislature of Meghalaya with respect to that matter, then, the law made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the legislature of Meghalaya shall, to the extent of repugnancy, be void and the law made by the Legislature of Meghalaya shall prevail.

(2) If it appears to two or more District Councils or Regional Councils in Meghalaya to be desirable that any of the matters with respect to which they have power to make laws under paragraph 3 of this Schedule should be regulated by the Legislature of Meghalaya by law, and if resolutions to that effect are passed by the said District Councils or Regional Councils, it shall be lawful for the Legislature of Meghalaya to pass an Act regulating that matter accordingly, and any Act so passed shall apply to the autonomous districts or regions concerned, and to any other autonomous district or region the District or Regional Council whereof adopts it afterwards by resolution passed in this behalf.

(3) Any Act passed by the Legislature of Meghalaya under sub-paragraph (2) of this paragraph may be amended or repealed by an Act of the Legislature of Meghalaya passed in like manner.

but shall not, as respects any autonomous district or region to which it applies, be amended or repealed by any law made by the District or Regional Council thereof.

(4) The Governor may, with respect to any Act of the Legislature of the State of Assam, and the President may, with respect to any Act of Parliament, by public notification direct, that it shall not apply to Meghalaya, or shall apply thereto, or to any part thereof subject to such exceptions or modifications as he may specify in the notification, and any such direction may be so given as to have retrospective effect.

(5) The provisions of clause (b) of sub-paragraph (1) of paragraph 12 shall not apply to Meghalaya."

10. In sub-paragraph (1) of paragraph 15 of the Sixth Schedule, after the words "safety of India", the words "or is likely to be prejudicial to public order" shall be inserted.

11. Paragraph 16 of the Sixth Schedule shall be re-numbered as sub-paragraph (1) of that paragraph and to that paragraph as so re-numbered, the following sub-paragraphs shall be added, namely:—

"(2) If at any time the Governor is satisfied that a situation has arisen in which the administration of an autonomous district or region cannot be carried on in accordance with the provisions of this Schedule, he may, by public notification, assume to himself all or any of the functions or powers vested in or exercisable by the District Council or, as the case may be, the Regional Council and declare that such functions or powers shall be exercisable by such person or authority as he may specify in this behalf, for a period not exceeding six months.

Provided that the Governor may by a further order or orders extend the operation of the initial order by a period not exceeding six months on each occasion.

(3) Every order made under sub-paragraph (2) of this paragraph with the reasons therefor shall be laid before the Legislature of the State and shall cease to operate at the expiration of thirty days from the date on which the State Legislature first sits after the issue of the order, unless, before the expiry of that period it has been approved by the State Legislature."

12. After paragraph 20 of the Sixth Schedule, the following paragraph shall be inserted, namely :—

Interpretation.

"20-A. (1) In this Schedule,—

(a) "Governor", in relation to Meghalaya, means the Governor of Assam acting on the aid and advice of the Council of Ministers for Meghalaya, except in so far as he is by or under this Schedule required to exercise his functions in his discretion or to exercise his powers under sub-paragraph (4) of paragraph 12A;

(b) "Meghalaya" means the autonomous State formed under Article 244A.

(2) Subject to any express provision made in this behalf, the provisions of this Schedule shall, in their application to Meghalaya, have effect —

(i) as if references to the Government of Assam, State of Assam, State and Legislature of the State were references respectively to the Government of Meghalaya, the autonomous State of Meghalaya, Meghalaya and the Legislature of Meghalaya;

(ii) as if in paragraph 13, the words and figures "under article 202" had been omitted."

THE MOTOR VEHICLES (AMENDMENT) ACT, 1969

(ACT 56 OF 1969) [*]

[29th December, 1969]

An Act further to amend the Motor Vehicles Act, 1939.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title and commencement.

(1) This Act may be called the Motor Vehicles (Amendment) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. Amendment of Section 2.

In section 2 of the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act),—

(a) clause (1) shall be re-numbered as clause (1B), and before clause (1B) as so re-numbered, the following clauses shall be inserted, namely:—

'(1) "area", in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;

(1A) "articulated vehicle" means a tractor to which a trailer is attached in such a manner that a part of the trailer is super-imposed on, and a part of the weight of the trailer is borne by, the tractor;

(b) in clause ((3), for the words "fixed or agreed rate or sum and from one point to another without stopping to pick up", the following words, brackets and figures shall be substituted, namely:—

"fixed or agreed rate or sum —

(i) on a time basis whether or not with reference to any route or distance, or

(ii) from one point to another, and in either case without stopping to pick up."

(c) in clause (9), for the figures "8,200," the figures "11,000" shall be substituted.

(d) in clause (13), for the figures "3,000", the figures "4,000" shall be substituted;

(e) for clause (17), the following clause shall be substituted, namely:—

'(17) "motor cycle" means a two-wheeled motor vehicle, the unladen weight of which, inclusive of the unladen weight of any detachable side car, having an extra wheel, attached to motor vehicle, does not exceed 600 kilograms';

(f) after clause (28), the following clause shall be inserted, namely:—

'(28A) "route" means a line of travel which specifies the highway which may be traversed by a motor vehicle between one terminus and another;'

(g) after Clause (29), the following clause shall be inserted namely:—

'(29-A) "tourist vehicle" means a contract carriage constructed or adapted and equipped and maintained in accordance with such specifications as the State Government may, by notification in the Official Gazette, specify in this behalf;'

3. Amendment of Section 3.

In Section 3 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Notwithstanding anything contained in sub-section (1), a person who holds an effective driving licence authorising him to drive a motor car may drive any motor cab hired by him for his own use".

4. Amendment of Section 7.

In Section 7 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Any person who is not disqualified under Section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving licence may apply to the licensing authority having jurisdiction in the area—

(i) in which he ordinarily resides or carries on business, or

(ii) in which the school or establishment where he is receiving or has received instruction in driving a motor vehicle is situate, or

(iii) if the application is for a driving licence to drive as a paid employee, in which the employer resides or carries on business, for the issue to him of a driving licence"

5. Amendment of Section 11.

In Section 11 of the principal Act,—

(a) in sub-section (1), after the proviso, the following further proviso shall be added, namely:—

"Provided further that where the application is for the renewal of a licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate, the same shall be accompanied by a fresh medical certificate in Form C as set forth in the First Schedule, signed

* Received the assent of the President on 29-12-1969. Act published in Gaz of Ind 30 12-1969, Pt. II-S 1, Ext. p. 507.

by a registered medical practitioner, and the provisions of sub-section (5) of Section 7 shall apply to every such case."

(b) after sub-section (3-A), the following sub-section shall be inserted, namely:—

"(3-B) When the authority to whom an application for the renewal of a licence to drive as a paid employee or to drive a transport vehicle is made, is not the authority which issued the licence sought to be renewed, it may for the purpose of deciding whether the application for such renewal may be granted verify the antecedents of the applicant in such manner as may be prescribed and pending the verification, such authority may grant a provisional licence for such period or periods not exceeding six months in the aggregate, subject to the condition that every such provisional licence shall cease to be effective immediately on the renewal of the licence sought to be renewed, or, as the case may be, on the refusal to renew the licence, and

(i) where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed,

(ii) where the application for renewal has not been rejected within the said period, the licence shall be renewed"

6. Amendment of Section 15.

In Section 15 of the principal Act,—

(a) in sub-section (1), for the words "a driving licence" the words "any driving licence or a licence to drive a particular class of description of vehicle" shall be substituted;

(b) to sub-sec. (2), the following proviso shall be added, namely:—

"Provided that where the driving licence of a person authorises him to drive more than one class or description of motor vehicles and the order, made under sub-section (1), disqualifies him from driving any specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder."

7. Amendment of Section 16.

In Section 16 of the principal Act, in sub-section (1), for the words "a transport vehicle", the words "any transport vehicle or a transport vehicle of a particular class or description" shall be substituted.

8. Amendment of Section 18.

In Section 18 of the principal Act, after the words "cease to be effective", the words "to such extent and" shall be inserted.

9. Amendment of Section 21.

In Section 21 of the principal Act, in sub-section (2),—

(a) for clause (aa), the following clause shall be substituted, namely:—

"(aa) the minimum qualifications of persons to whom licences to drive transport vehicles are issued, the time within which such qualifications are to be acquired by persons holding immediately before the commencement of the Motor

Vehicles (Amendment) Act, 1969, licences to drive transport vehicles, and the duties, functions and conduct of such persons;"

(b) in clause (dd), for the words "stage carriages or contract carriages", the words "transport vehicles" shall be substituted;

(c) in clause (i), after the words "for the instruction of drivers of motor vehicles", the brackets and words "(including the registration of such schools or establishments)" shall be inserted.

10. Amendment of Section 25.

In Section 25 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

"Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted with a body, the period may, on payment of such fees, if any, as may be prescribed, be extended by such further period or periods so, however, that the total period of such temporary registration may not exceed, in any case, three months."

11. Amendment of Section 27.

In Section 27 of the principal Act, after the words "particulars of any previous registration of the vehicle", the words "or furnishes inaccurate particulars in the application for registration of such vehicle" shall be inserted.

12. Omission of Section 29-A.

Section 29-A of the principal Act shall be omitted.

13. Insertion of new Section 31-A.

In the principal Act, after Section 31, the following section shall be inserted, namely:—

Special provisions regarding motor vehicles subject to hire purchase agreement.

"31-A. (1) Where an application for registration of a motor vehicle which is held under a hire-purchase agreement is made, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement.

(2) When the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into a hire-purchase agreement with any person, the registering authority shall, on receipt of an application from the parties to that agreement, make an entry as to the existence of such hire-purchase agreement in the certificate of registration.

(3) Any entry made under sub-section (1) or sub-section (2), may be cancelled by the registering authority on proof of the termination of the hire-purchase agreement by the parties concerned.

(4) No entry regarding the transfer of ownership of any motor vehicle which is held under a hire-purchase agreement shall be made in the certificate of registration except with the written consent of the person whose name has

been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement.

(5) Where the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement, satisfies the registering authority that he has taken possession of the vehicle owing to the default of the registered owner under the provisions of the agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representation as he may wish to make (by sending to him a notice by registered post acknowledgement due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a duplicate thereof to the person aforesaid.

(6) The provisions of sub-sections (1) to (5) shall, so far as may be, apply to a motor vehicle which is subject to hypothecation as they apply to any motor vehicle which is held under a hire-purchase agreement."

14. Amendment of Section 36.

In Section 36 of the principal Act, in sub-section (3), for the words "in excess of that", the words "different from that" shall be substituted.

15. Amendment of Section 38.

In Section 38 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

'Provided that this sub-section shall, in respect of a certificate of fitness relating to a new transport vehicle registered for the first time and not plying in hilly areas, have effect as if for the words "six months", the words "one year" were substituted.

Explanation.— In this sub-section, the expression "hilly areas" means such areas as the State Government may, having regard to the elevation and topography, by notification in the Official Gazette, declare to be hilly areas.'

16. Amendment of Section 41.

In Section 41 of the principal Act, in sub-section (2),—

(a) in clause (e), for the brackets and figure "(3)", the brackets and figure "(2)" shall be substituted;

(b) in clause (f), after the words "alteration of certificates of registration", the words "for making or cancelling an endorsement in respect of an agreement of hire-purchase or hypothecation on a certificate of registration," shall be inserted.

17. Amendment of Section 42.

In Section 42 of the principal Act,—

(a) in sub-section (1), after the words "any public place", the brackets and words "(whether or not such vehicle is actually carrying any passenger or goods)" shall be inserted;

(b) in sub-section (3),—

(i) clause (ee) shall be omitted;

(ii) after clause (f), the following clause shall be inserted, namely:—

"(ff) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf;"

(iii) in clause (i), the words "except as may otherwise be prescribed," shall be omitted;

(iv) after clause (i), the following clauses shall be inserted, namely:—

"(j) subject to such conditions as the Central Government may, by notification in the Official Gazette, specify, to any transport vehicle purchased in one State and proceeding to a place, situated in any other State, without carrying any passenger or goods;

(k) to any transport vehicle which has been temporarily registered under Section 25, while proceeding empty to any place for the purpose of registration of the vehicle under Section 24;

(l) to any transport vehicle used for such purposes (other than plying for hire or reward) as the Central Government may, by notification in the Official Gazette, specify;

(m) to any transport vehicle which, owing to flood earthquake or any other natural calamity, is required to be diverted through any other route, whether within or outside the State, with a view to enabling it to reach its destination; or

(n) to any transport vehicle while proceeding empty to any place for purpose of repair."

18. Amendment of Section 43.

In Section 43 of the principal Act, in sub-section (1),—

(a) in sub-clause (i), after the words "the fixing of fares and freights", the brackets and words "(including the maximum and minimum in respect thereof)" shall be inserted;

(b) in sub-clause (iii), after the words "existing permits", the words, brackets and figures "are not renewed in pursuance of the provisions of sub-section (1-D) of Section 68-F, or" shall be inserted.

19. Amendment of Section 44.

In Section 44 of the principal Act, in sub-section (2),—

(a) for the words "and such other officials and non-officials, not being less than two.", the words "and, in the case of a State Transport Authority, such other officials and non-officials, not being less than two, and, in the case of a Regional Transport Authority, such other persons (whether officials or not), not being less than two," shall be substituted;

(b) for the words "Provided that", the following shall be substituted namely:—

"Provided that nothing in this section shall prevent any of the members

of the State Transport Authority or the Regional Transport Authority, as the case may be, to preside over a meeting of such Authority during the absence of the Chairman, notwithstanding that such member does not possess judicial experience:

Provided further that the State Government may—

(i) where it considers necessary or expedient so to do, constitute Regional Transport Authority for any region so as to consist of only one member who shall be an official with judicial experience;

(ii) by rules made in this behalf, provide for the transaction of business in the absence of the Chairman or any other member and specify the nature of business which, the circumstances under which, and the manner in which, business could be so transacted:

Provided also that.”

20. Amendment of Section 45.

Section 45 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the Official Gazette, direct that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in different States, the application under that sub-section shall be made to the State Transport Authority of the region in which the applicant resides or has his principal place of business.

(3) Every applicant for the grant of a new permit under Section 46 or Section 54 shall deposit, by way of security, with his application an amount in such manner and at such rate not exceeding rupees two hundred per motor vehicle, as the State Government may, with reference to each class of vehicle, by notification in the Official Gazette, specify.

(4) The security furnished under sub-section (3) may be forfeited in whole or in part by the transport authority if it is satisfied that the application was made for the purpose of preventing the issue of a temporary permit under Section 62 and the whole or part of it as has not been forfeited shall be refunded to the applicant as soon as may be, after the disposal of the application:

Provided that no such forfeiture shall be made unless the transport authority has given the applicant a reasonable opportunity of being heard.”

21. Amendment of Section 46.

In Section 46 of the principal Act, in clause (c),—

(a) for the word “services”, wherever it occurs, the word “trips” shall be substituted;

(b) the following Explanation shall be added at the end, namely:—

‘Explanation.— For the purposes of this section, Section 48 and Section 57, “trip” means a single journey from one point to another, and every return

journey shall be deemed to be a separate trip;’.

22. Amendment of Section 48.

In Section 48 of the principal Act,—

(a) sub-section (2) shall be omitted;

(b) in sub-section (3),—

(i) for clause (i), the following clauses shall be substituted, namely:—

“(i) that the vehicle or vehicles shall be used only in a specified area, or on a specified route or routes;

(ia) that the service or any specified part thereof shall be commenced with effect from a specified date;”;

(ii) in clause (ii), for the words “services to be maintained”, the words “trips to be provided” shall be substituted;

(iii) to clause (xxi), the following proviso shall be added, namely:—

“Provided that the conditions specified in pursuance of clause (i) shall not be varied so as to alter the distance covered by the original route by more than 24 kilometers, and any variation within such limits shall be made only after the Regional Transport Authority is satisfied that such variation will serve the public convenience and that it is not expedient to grant a separate permit in respect of the original route as so varied or any part thereof;”.

23. Amendment of Section 51.

In Section 51 of the principal Act, in sub-section (2), after clause (ii), the following clause shall be inserted, namely:—

“(iia) the maximum number of passengers and the maximum weight of luggage that may be carried on any specified vehicle or on any vehicle of a specified type, either generally or on specified occasions or at specified times and seasons and the same is prominently marked on the vehicle;”.

24. Amendment of Section 57.

In Section 57 of the principal Act, in sub-section (8), for the words “number of services above the specified maximum”, the words “number of trips above the specified maximum or by altering the route covered by it” shall be substituted.

25. Amendment of Section 58.

In Section 58 of the principal Act,—

(a) in sub-section (2),—

(i) in clause (a) of the proviso, for the words “sixty days”, the words “one hundred and twenty days” shall be substituted;

(ii) in clause (b) of the proviso, for the words “thirty days”, the words “sixty days” shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of Section 62, and

where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded."

25. Amendment of Section 59.

In Section 59 of the principal Act.—
(a) in sub-section (2), for the words "replace by another vehicle of the same nature and capacity any vehicle covered by the permit", the words "replace any vehicle covered by the permit by any other vehicle of the same nature" shall be substituted;

(b) in sub-section (3).—

(i) in clause (a), for the words "permit relates", the words and figures "permit relates carry valid certificates of fitness issued under Section 38 and" shall be substituted;

(ii) in clause (c), the words "maximum or minimum" shall be omitted;

(iii) in clause (d), for the word and figures "Section 72", the words and figures "Section 5 or Section 72" shall be substituted.

27. Amendment of Section 60.

In Section 60 of the principal Act.—
(a) after sub-section (1-A), the following sub-section shall be inserted, namely:—

"(1-B) The transport authority may exercise the powers conferred on it under sub-sections (1) and (1-A) in relation to a permit granted by any authority or person to whom power in this behalf has been delegated under sub-section (5) of Section 44 as if the said permit was a permit granted by the transport authority."

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2-A) The powers exercisable under sub-section (1) or sub-section (1-A) (other than the power to cancel a permit) by the transport authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under sub-section (5) of Section 44:

Provided that:—

(i) no such authority or person shall pass an order suspending the permit for a period exceeding one month or reducing the period thereof by more than one month; and

(ii) any such order shall be placed within the said period of one month before the transport authority who may vacate the order or extend the said period of one month where it has not expired or cancel the permit or take action under sub-section (3), as it may deem fit."

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) the powers exercisable by the transport authority under sub-section (3), may, where an appeal has been preferred under Section 64, be exercised also by the appellate authority."

25. Amendment of Section 62.

Section 62 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section 1 as so

re-numbered, the following subsection shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (1), a temporary permit may be granted thereunder in respect of any route or area where—

(i) no permit could be issued under Section 49 or Section 51 or Section 54 in respect of that route or area by reason of an order of a Court or other competent authority restraining the issue of the same, for a period not exceeding the period for which the issue of the permit has been so restrained; or

(ii) as a result of the suspension by a Court or other competent authority of the permit of any vehicle in respect of that route or area, there is no transport vehicle of the same class with a valid permit in respect of that route or area, or there is no adequate number of such vehicles in respect of that route or area, for a period not exceeding the period of such suspension:

Provided that the number of transport vehicles in respect of which the temporary permit is so granted shall not exceed the number of vehicles in respect of which the issue of a permit has been restrained or as the case may be, the permit has been suspended."

29. Amendment of Section 63.

In Section 63 of the principal Act.—

(a) to sub-section (1), the following further proviso shall be added, namely:—

"Provided further that where both the starting point and the terminal point of a route are situate within the same State, but part of such route lies in any other State and the length of such part does not exceed sixteen kilometres, the permit shall be valid in the other State in respect of that part of the route which is in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State."

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), a permit granted or countersigned by a State Transport Authority shall be valid in the whole State or in such regions within the State as may be specified in the permit."

(c) in the proviso to sub-section (3), after the words "arrived at between the States", the following shall be inserted, namely:—

"after complying with the requirements of sub-section (3-A), or for the grant of counter-signatures of permits in pursuance of any direction issued by the Commission under clause (c) of sub-section (2) of Section 63-A"

(d) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) Every proposal to enter into an agreement between the States referred to in the proviso to sub-section (3) and every proposal in such agreement to fix the number of permits which is proposed to be granted or countersigned in respect of each route or area, shall be published by each of the State Governments concerned in the Official Gazette together with a notice of the date before which representations in connection therewith may be submitted, and the date, not being less than thirty days from the date of such publication, on which, and the authority by which, and the time and place at which, the proposal and any representations received in connection therewith will be considered :

Provided that no person, association or authority, other than those mentioned hereunder, shall have a right to make such representation, namely :—

- (i) any person already providing passenger or goods transport facilities by any means in the proposed area or along or near the proposed route;
- (ii) any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government;
- (iii) any local authority or police authority within whose jurisdiction any part of the proposed area or route lies.

(3-B) Every agreement arrived at between the States shall, in so far as it relates to the grant of counter-signature of permits, be published in the Official Gazette by each of the State concerned and the State Transport Authority of the State and the Regional Transport Authority concerned shall give effect to it.";

(e) after sub-section (6), the following sub-sections shall be inserted, namely :—

"(7) Notwithstanding anything contained in sub-section (1) but subject to any rules that may be made under this Act, any State Transport Authority may, for the purpose of promoting tourism, grant in respect of tourist vehicles such number of permits valid for the whole or any part of India as the Central Government may, in respect of that State, specify in this behalf, and the provisions of Sections 49, 50, 51, 57, 58, 59, 59-A, 60, 61 and 64 shall, as far as may be, apply in relation to such permits.

(8) Every applicant for a permit under sub-section (7) shall deposit, by way of security, in such manner and such amount, not exceeding rupees two thousand per motor vehicle, as the Central Government may with reference to each class of vehicle, by notification in the Official Gazette, specify, and such security shall be refunded wholly or in part to the applicant if his application for permit has not been granted, or, as the case may be, granted for a lesser number of vehicles than what was applied for.

(9) Any amount deposited by way of security under sub-section (8) may, at

any time, be forfeited in whole or in part by the State Transport Authority if it is satisfied after making such inquiry as it thinks fit that—

(a) the permit was obtained by fraud or misrepresentation, or

(b) the holder of the permit has failed without reasonable cause to use the vehicle or vehicles for the purpose for which the permit was granted, or

(c) the holder of the permit has committed a breach of any condition of the permit, or

(d) the holder of the permit has used or caused it to be used in any manner not authorised by the permit :

Provided that no such forfeiture shall be made unless the State Transport Authority has given the permit-holder a reasonable opportunity of being heard.

(10) The following shall be conditions of every permit granted under sub-section (7), namely :—

(i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in this behalf;

(ii) every such motor vehicle shall be driven by a person having such qualifications and satisfying such conditions as may be specified by the Central Government; and

(iii) such other conditions as may be prescribed by the Central Government."

30. Amendment of Section 63-A.

In Section 63-A of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

"(2-A) If any direction issued by the State Government under Section 43 is repugnant to any direction made by the Commission under clause (c) of sub-section (2), then, the direction of the Commission, whether issued before or after the direction issued by the State Government, shall prevail and the direction made by the State Government shall, to the extent of the repugnancy, be of no effect."

31. Insertion of new Section 63-BB.

After Section 63-B of the principal Act, the following section shall be inserted, namely —

Appeal against decision, direction or order under Sec. 63-A.

"63-BB. (1) Any person or authority (including Government) aggrieved by the decision, direction or order of the Commission under clause (b) or clause (c) or cl. (d) or cl. (e) of sub-section (2) of Section 63-A may, within sixty days from the date of the communication to him or it, of such decision, direction or order, as the case may be, appeal to the authority specified by the Central Government under clause (h) of Section 63-C, which shall decide the appeal after giving the person or the authority an opportunity of being heard and pass such order thereon as it may deem fit and such order shall be final :

Provided that the authority aforesaid may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) Every appeal under sub-sec. (1) shall be preferred in such manner and accompanied by such fee as may be prescribed by the Central Government."

32. Amendment of Section 63-C.

In Section 63-C of the principal Act, for clause (h), the following clause shall be substituted, namely:—

"(h) the authority to which the manner in which and the fees on payment of which, an appeal against any decision, direction or order of the Commission may be preferred;"

33. Amendment of Section 64.

Section 64 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered.—

(i) after clause (h), the following clause shall be inserted, namely:—

"(hh) aggrieved by an order of forfeiture passed under sub-sec. (4) of Section 45 or under sub-section (9) of Section 63, or";

(ii) for the words "the prescribed authority who shall give such person and the original authority an opportunity of being heard," the words, brackets and figure "the State Transport Appellate Tribunal constituted under sub-section (2), who shall, after giving such person and the original authority an opportunity of being heard, give a decision thereon which shall be final" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-sections and Explanation shall be inserted, namely:—

"(2) The State Government shall constitute for the State a State Transport Appellate Tribunal which shall consist of a whole-time judicial officer not below the rank of a District Judge

Provided that in relation to a Union territory the Tribunal may consist of the Administrator of that territory or any officer who has judicial experience.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), every appeal pending at the commencement of the Motor Vehicles (Amendment) Act, 1969, shall be proceeded with and disposed of as if that Act had not been passed.

Explanation.— For the removal of doubts, it is hereby declared that when any order is made by the State Transport Authority or the Regional Transport Authority in pursuance of a direction issued by the Commission under clause (c) of sub-section (2) of Section 63-A and any person feels aggrieved by such order on the ground that it is not in consonance with such direction, he may appeal under sub-sec. (1) to the State Transport Appellate Tribunal

against such order but not against the direction so issued."

34. Amendment of Section 64-A.

In Section 64-A of the principal Act,—

(a) for the words "State Transport Authority", wherever they occur, the words "State Transport Appellate Tribunal" shall be substituted;

(b) for the words "Regional Transport Authority", wherever they occur, the words "State Transport Authority or Regional Transport Authority" shall be substituted;

(c) after the words "as it deems fit", the words "and every such order shall be final" shall be inserted.

35. Amendment of Section 65.

In Section 65 of the principal Act, in sub-section (1).—

(a) in clause (b), for the words "nine hours", the words "eight hours" shall be substituted;

(b) in clause (c), for the words "fifty-four hours", the words "forty-eight hours" shall be substituted.

36. Insertion of new Section 66-A.

After Section 66 of the principal Act, the following section shall be inserted, namely:—

Agent or canvasser to obtain licence.
"66-A (1) No person shall engage himself—

(i) as an agent or canvasser, in the sale of tickets for travel by public service vehicles or in otherwise soliciting custom for such vehicles, or

(ii) as an agent in the business of collecting, forwarding or distributing goods carried by public carriers, unless he has obtained a licence from such authority and subject to such conditions as may be prescribed by the State Government.

(2) The conditions referred to in sub-section (1) may include all or any of the following matters, namely:—

(a) the period for which a licence may be granted or renewed;

(b) the fee payable for the issue or renewal of the licence;

(c) the deposit of security—

(i) of a sum not exceeding rupees five thousand in the case of an agent in the business of collecting, forwarding or distributing goods carried by public carriers.

(ii) of a sum not exceeding rupees five hundred in the case of any other agent or canvasser, and the circumstances under which the security may be forfeited.

(d) the provision by the agent of insurance of goods in transit;

(e) the authority by which and the circumstances under which the licence may be suspended or revoked;

(f) such other conditions as may be prescribed by the State Government."

37. Amendment of Section 68.

In Section 68 of the principal Act, in sub-section (2).—

(a) after clause (a), the following clause shall be inserted, namely:—

"(aa) the conduct of business by any such authority in the absence of

any member (including the Chairman) thereof and the nature of business which, the circumstances under which and the manner in which, business could be so conducted;";

(b) after clause (c), the following clause shall be inserted, namely:—

"(cc) the manner in which and the time within which every application for a stage carriage permit or a public carrier's permit shall be published, as required by sub-section (3) of Sec. 57, and the circumstances under which and the fees on payment of which copies of such applications may be granted;";

(c) in clause (ww), for the words "forwarding and distributing of", the words "or forwarding and distributing" shall be substituted.

38. Amendment of Section 68-A.

In Section 68-A of the principal Act, in clause (b),—

(a) sub-clause (iii) shall be omitted;

(b) in sub-clause (iv), for the words "the State Government", the words "the Central Government or one or more State Governments, or by the Central Government and one or more State Governments" shall be substituted.

39. Amendment of Section 68-D.

In Section 68-D of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) On the publication of any scheme in the Official Gazette and in not less than one newspaper in regional language circulating in the area or route which is proposed to be covered by such scheme,—

(i) any person, already providing transport facilities by any means along or near the area or route proposed to be covered by the scheme;

(ii) any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government; and

(iii) any local authority or police authority within whose jurisdiction any part of area or route proposed to be covered by the scheme lies, may, within thirty days from the date of its publication in the Official Gazette, file objections to it before the State Government"

40. Amendment of Section 68-E.

Section 68-E of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so re-numbered, for the words "proposed to be modified as if the modification proposed were a separate scheme", the following shall be substituted, namely:—

"proposed to be cancelled or modified as if the proposal were a separate scheme:

Provided that the State Transport Undertaking may, with the previous approval of the State Government, modify without following the proce-

dures laid down in Section 68-C and Section 68-D, any such scheme relating to any route or area in respect of which the road transport services are run and operated by the State Transport Undertaking to the complete exclusion of other persons in respect of the following matters, namely:—

(a) increase in the number of vehicles or the number of trips;

(b) change in the type of vehicles without reducing the seating capacity;

(c) extension of the route or area, without reducing the frequency of the service; or

(d) alteration of the time-table without reducing the frequency of the service";

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (1), the State Government may, at any time, if it considers necessary in the public interest so to do, modify any scheme published under sub-section (3) of Section 68-D, after giving,—

(i) the State Transport Undertaking, and

(ii) any other person who, in the opinion of the State Government, is likely to be affected by the proposed modification, an opportunity of being heard in respect of the proposed modification."

41. Amendment of Section 68-F.

In Section 68-F of the principal Act,—

(a) in sub-section(1),—

(i) for the words and figures "in the manner specified in Chapter IV", the words "in such manner as may be prescribed by the State Government in this behalf" shall be substituted;

(ii) for the words "Regional Transport Authority", the words "State Transport Authority in any case where the said area or route lies in more than one region and the Regional Transport Authority in any other case" shall be substituted:

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1-A) Where any scheme has been published by a State Transport Undertaking under Section 68-C that Undertaking may apply for a temporary permit, in respect of any area or route or portion thereof specified in the said scheme, for the period intervening between the date of publication of the scheme and the date of publication of the approved or modified scheme, and where such application is made, the State Transport Authority or the Regional Transport Authority, as the case may be, shall, if it is satisfied that it is necessary to increase, in the public interest, the number of vehicles operating in such area or route or portion thereof, issue the temporary permit prayed for by the State Transport Undertaking.

(1-B) A temporary permit issued in pursuance of the provisions of sub-section (1-A) shall be effective,—

(i) if the scheme is published under sub-section (3) of Section 68-D, until the grant of the permit to the State Transport Undertaking under sub-section (1), or

(ii) if the scheme is not published under sub-section (3) of Section 68-D, until the expiration of the one week from the date on which the order under sub-section (2) of Section 68-D is made.

(1-C) If no application for a temporary permit is made under sub-section (1-A), the State Transport Authority or the Regional Transport Authority, as the case may be, may grant, subject to such conditions as it may think fit, temporary permit to any person in respect of the area or route or portion thereof specified in the scheme and the permit so granted shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route or portion thereof.

(1-D) Save as otherwise provided in sub-section (1-A) or sub-section (1-C), no permit shall be granted or renewed during the period intervening between the date of publication, under Section 68-C of any scheme and the date of publication of the approved or modified scheme, in favour of any person for any class of road transport service in relation to an area or route or portion thereof covered by such scheme:

Provided that where the period of operation of a permit in relation to any area, route or portion thereof specified in a scheme published under Sec 68-C expires after such publication, such permit may be renewed for a limited period, but the permit so renewed shall cease to be effective on the publication of the scheme under sub-section (3) of Section 68-D;”,

(c) in sub-section(2).—

(i) for the words “the Regional Transport Authority”, the words “the State Transport Authority or as the case may be, the Regional Transport Authority concerned” shall be substituted,

(ii) in clause (a), for the words “the renewal of any other permit”, the words “the grant or renewal of any other permit or reject any such application as may be pending” shall be substituted;

(d) in sub-section (3), for the words “the Regional Transport Authority”, the words “the State Transport Authority or any Regional Transport Authority” shall be substituted.

42. Insertion of new Section 68-FF.

After Section 68-F of the principal Act, the following section shall be inserted, namely —

Restriction on grant of permits in respect of a notified area or notified route.

“68-FF. Where a scheme has been published under sub-sec. (3) of Sec. 68-D

in respect of any notified area or notified route, the State Transport Authority or the Regional Transport Authority, as the case may be, shall not grant any permit except in accordance with the provisions of the scheme:

Provided that where no application for a permit has been made by the State Transport Undertaking in respect of any notified area or notified route in pursuance of an approved scheme, the State Transport Authority or the Regional Transport Authority, as the case may be, may grant temporary permits to any person in respect of such notified area or notified route subject to the condition that such permit shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route.”.

43. Amendment of Section 68-G.

In Section 68-G of the principal Act, in sub-section (2), for the words “the Regional Transport Authority”, the words “the State Transport Authority or the Regional Transport Authority, as the case may be,” shall be substituted

44. Insertion of new Section 68-HH.

After Section 68-H of the principal Act, the following section shall be inserted, namely :—

Disposal of articles found in vehicles.

“68-HH. Where any article found in any transport vehicle operated by the State Transport Undertaking is not claimed by its owner within the prescribed period, the State Transport Undertaking may sell the article in the prescribed manner and the sale proceeds thereof, after deducting the costs incidental to sale, shall be paid to the owner on demand.”.

45. Amendment of Section 68-I.

In Section 68-I of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely :—

“(cc) the manner in which application under sub-section (1) of Section 68-F may be made;

(ccc) the period within which the owner may claim an article found left in any transport vehicle under S 68-HH and the manner of sale of such article;”.

46. Insertion of new Section 68-J.

In Chapter IV-A of the principal Act, after Section 68-I, the following section shall be inserted, namely —

Certain powers of State Government exercisable by the Central Government.

“68-J. The powers conferred on the State Government under this Chapter shall, in relation to a corporation or company owned or controlled by the Central Government or by the Central Government and one or more State Governments, be exercisable only by the Central Government in relation to an inter-State route or area”.

47. Insertion of new Section 69-A.

After Section 69 of the principal Act, the following section shall be inserted, namely —

Vehicles to have right hand control.

"69-A. Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature."

48. Amendment of Section 79.

Section 79 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so re-numbered, after the words "driver of a motor vehicle", the words "with a right hand steering control" shall be inserted; and

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) In the case of a motor vehicle with a left hand steering control, the signal of an intention to turn to the right or left or to stop shall be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle:

Provided that Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt, subject to such conditions as may be specified therein, any such motor vehicle or class of such motor vehicles from the operation of this sub-section for the purpose of plying in that area or route."

49. Amendment of Section 80.

To Section 80 of the principal Act, the following proviso shall be added, namely:—

"Provided that Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt, subject to such conditions as may be specified therein, any such motor vehicle or class of such motor vehicles from the operation of this section for the purpose of plying in that area or route."

50. Amendment of Section 89.

In Section 89 of the principal Act, after the words "When any person is injured", the words "or any property of a third party is damaged," shall be inserted.

51. Amendment of Section 92.

In Section 92 of the principal Act, in sub-section (1-A), the words "contiguous to it" shall be omitted.

52. Amendment of Section 93.

In Section 93 of the principal Act,—

(i) after clause (b), the following clause shall be inserted, namely:—

"(bb) "property" includes roads, bridges, culverts, causeways, trees, posts and mile-stones;"

(ii) after clause (c), the following clause shall be inserted, namely:—

"(d) "third party" includes the Government."

53. Amendment of Section 94.

In Section 94 of the principal Act, in sub-section (3), for the Explanation, the following Explanation shall be substituted, namely:—

"Explanation.— For the purposes of this sub-section, appropriate Government

means the Central Government or the State Government, as the case may be, and—

(i) in relation to any corporation or company owned by the Central Government or any State Government means the Central Government or that State Government;

(ii) in relation to any corporation or company owned by the Central Government and one or more State Governments, means the Central Government;

(iii) in relation to any other State Transport Undertaking or any local authority, means that Government which has control over that Undertaking or authority."

54. Amendment of S. 95.

In Section 95 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (b), the following clause shall be substituted, namely:—

"(b) insures the person or classes of persons specified in the policy to the extent specified in sub-section (2)—

(i) against any liability which may be incurred by him in respect of the death of or bodily injury to any person or damage to any property of a third party caused by or arising out of the use of the vehicle in a public place;

(ii) against the death of or bodily injury to any passenger of a public service vehicle caused by or arising out of the use of the vehicle in a public place;"

(ii) the following Explanation shall be added at the end, namely:—

"Explanation.— For the removal of doubts, it is hereby declared that the death of or bodily injury to any person or damage to any property of a third party shall be deemed to have been caused by or to have arisen out of, the use of a vehicle in a public place notwithstanding that the person who is dead or injured or the property which is damaged was not in a public place at the time of the accident, if the act or omission which led to the accident occurred in a public place;"

(b) in sub-section (2),—

(i) in clause (a), for the word "twenty", the word "fifty" shall be substituted;

(ii) for clauses (b) and (c), the following clauses shall be substituted, namely:—

"(b) where the vehicle is a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment,—

(i) in respect of persons other than passengers carried for hire or reward, a limit of fifty thousand rupees in all;

(ii) in respect of passengers,—

(1) a limit of fifty thousand rupees in all where the vehicle is registered to carry not more than thirty passengers;

(2) a limit of seventy-five thousand rupees in all where the vehicle is registered to carry more than thirty but not more than sixty passengers;

(3) a limit of one lakh rupees in all where the vehicle is registered to carry more than sixty passengers; and

(4) subject to the limits aforesaid, ten thousand rupees for each individual passenger where the vehicle is a motor cab, and five thousand rupees for each individual passenger in any other case;

(c) save as provided in clause (d), where the vehicle is a vehicle of any other class, the amount of liability incurred;

(d) irrespective of the class of the vehicle, a limit of rupees two thousand in all in respect of damage to any property of a third party."

55. Insertion of new Section 95-AA.

After Section 95-A of the principal Act, the following section shall be inserted, namely:—

Security to be deposited by insurers.

"95-AA. (1) In addition to the deposits required to be made under Section 7 of the Insurance Act, 1938, every insurer who is competent to issue a policy of insurance in accordance with this Chapter, shall deposit and keep deposited with the Reserve Bank of India or the State Bank of India, a sum of rupees thirty thousand as security for the due discharge of any liability covered by a policy of insurance issued in accordance with the provisions of this Chapter.

(2) Any sum deposited under sub-section (1) shall be deemed to be part of the assets of the insurer but shall not be susceptible of any assignment or charge nor shall it be liable to any attachment in execution of any decree except for meeting the claims arising in respect of a policy of insurance issued after complying with the requirements of this Chapter.

(3) Where, on an application made to it in this behalf, any Court or Claims Tribunal, which has made an award for compensation under this Act, is satisfied—

(i) that the applicant has exhausted all other remedies open to him to recover his dues from the insurer, or,

(ii) that the award has been made after the insurer has gone into liquidation,

it may direct the payment of such compensation from out of the sum deposited under sub-section (1):

Provided that in the case of the insolvency of the insurer—

(a) such payment shall not be made until all claims under this Act against the insurer have been settled; and

(b) payment so made shall be proportionate to the amount of compensation allowed in each case."

56. Insertion of new Section 103-A.

After Section 103 of the principal Act, the following section shall be inserted, namely:—

Transfer of certificate of insurance.

"103-A. (1) Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter proposes to transfer to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, he may apply in the prescribed form

to the insurer for the transfer of the certificate of insurance and the policy described in the certificate in favour of the person to whom the motor vehicle is proposed to be transferred, and if within fifteen days of the receipt of such application by the insurer, the insurer has not intimated the insured and such other person his refusal to transfer the certificate and the policy to the other person, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

(2) The insurer to whom any application has been made under sub-section (1) may refuse to transfer to the other person the certificate of insurance and the policy described in that certificate if he considers it necessary so to do, having regard to—

(a) the previous conduct of the other person,—

(i) as a driver of motor vehicles; or

(ii) as a holder of the policy of insurance in respect of any motor vehicle; or

(b) any conditions which may have been imposed in relation to any such policy held by the applicant; or

(c) the rejection of any proposal made by such other person for the issue of a policy of insurance in respect of any motor vehicle owned or possessed by him.

(3) Where the insurer has refused to transfer, in favour of the person to whom the motor vehicle has been transferred, the certificate of insurance and the policy described in that certificate, he shall refund to such transferee the amount, if any, which, under the terms of the policy, he would have had to refund to the insured for the unexpired term of such policy."

57. Amendment of Section 110.

In Section 110 of the principal Act, in sub-section (1), for the words "motor vehicles", the following words shall be substituted, namely:—

"Motor vehicles, or damages to any property of a third party so arising, or both:

Provided that where such claim includes a claim for compensation in respect of damage to property exceeding rupees two thousand, the claimant may, at his option, refer the claim to a civil Court for adjudication, and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim."

58. Amendment of Section 110-A.

In Section 110-A of the principal Act,—

(a) in sub-section (1),—

(i) in clause (b), for the words "by the legal representatives", the words "by all or any of the legal representatives" shall be substituted;

(ii) in clause (c), for the words "or the legal representatives", the words "or all or any of the legal representatives" shall be substituted;

(iii) the following proviso shall be inserted at the end, namely :—

"Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application;"

(b) in sub-section (3), for the words "sixty days", wherever they occur, the words "six months" shall be substituted.

59. Insertion of new Section 110-AA.

After Section 110-A of the principal Act, the following section shall be inserted, namely :—

Option regarding claims for compensation in certain cases.

"110-AA. Notwithstanding anything contained in the Workmen's Compensation Act, 1923, where the death of or bodily injury to any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923, the person entitled to compensation may claim such compensation under either of those Acts but not under both."

60. Amendment of Section 110-B.

In Section 110-B of the principal Act, after the words "the insurer", the words "or owner or driver of the vehicle involved in the accident or by all or any of them, as the case may be," shall be inserted.

61. Amendment of Section 110-C.

In Section 110-C of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

"(2-A) Where in the course of any inquiry, the Claims Tribunal is satisfied that—

(i) there is collusion between the person making the claim and the person against whom the claim is made, or

(ii) the person against whom the claim is made has failed to contest the claim, 'it may, for reasons to be recorded by it in writing, direct that the insurer who may be liable in respect of such claim, shall be impleaded as a party to the proceeding and the insurer so impleaded shall thereupon have the right to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made.'"

62. Insertion of new Sections 110-CC and 110-CCC.

After Section 110-C of the principal Act, the following sections shall be inserted, namely :—

Award of interest where any claim is allowed.

"110-CC. Where any Court or Claims Tribunal allows a claim for compensation made under this Chapter, such Court or Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such

rate and from, such date not earlier than the date of making the claim as it may specify in this behalf.

Award of compensatory costs in certain cases.

110-CCC. (1) Any Court or Claims Tribunal adjudicating upon any claim for compensation under this Act, may in any case where it is satisfied for reasons to be recorded by it in writing that—

(i) the policy of insurance is void on the ground that it was obtained by representation of fact which was false in any material particular, or

(ii) any party or insurer has put forward a false or vexatious claim or defence,

such Court or Tribunal may make an order for the payment, by the party who is guilty of mis-representation or by whom such claim or defence has been put forward, of special costs by way of compensation to the insurer or, as the case may be, to the party against whom such claim or defence has been put forward.

(2) No Court or Claims Tribunal shall pass an order for special costs under sub-section (1) for any amount exceeding rupees one thousand.

(3) No person or insurer against whom an order has been made under this section shall, by reason thereof be exempted from any criminal liability in respect of such mis-representation, claim or defence as is referred to in sub-section (1).

(4) Any amount awarded by way of compensation under this section in respect of any mis-representation, claim or defence, shall be taken into account in any subsequent suit for damages for compensation in respect of such mis-representation, claim or defence."

63. Amendment of Section 110-E.

In Section 110-E of the principal Act, for the words "an insurer", the words "any person" shall be substituted.

64. Amendment of Section 111-A.

In Section 111-A of the principal Act, in clause (d), after the words "the manner in which", the words and brackets "and the fees (if any) on payment of which", shall be inserted.

65. Insertion of new Section 113-A.

After Section 113 of the principal Act, the following section shall be inserted, namely :—

Allowing unauthorised persons to drive vehicles.

"113-A. Whoever, being the owner or person in charge of a motor vehicle, causes, or permits, any person who does not satisfy the provisions of Section 3 or Section 4, to drive the vehicle shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both."

66. Amendment of Section 115.

In Section 115 of the principal Act,—
(i) in sub-section (1), for the words "one hundred rupees", the following words shall be substituted, namely :—

"two hundred rupees. or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to five hundred rupees";

(ii) in sub-section (2), for the words "two hundred rupees" the following words shall be substituted, namely:—
"three hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to five hundred rupees".

67. Amendment of Section 123.

In Section 123 of the principal Act, in sub-section (1),—

(i) after the words "for which the vehicle may be used", the words, "or to the maximum number of passengers and maximum weight of luggage that may be carried on the vehicle" shall be inserted;

(ii) for the words "a subsequent offence if committed within three years of the commission of a previous similar offence", the words "any second or subsequent offence" shall be substituted;

(iii) in the proviso, after the words "any such", the words "second or" shall be inserted.

68. Insertion of new Section 123-A.

After Section 123 of the principal Act, the following section shall be inserted, namely:—

Punishment of agents and canvassers without proper authority.

"123-A. Whoever engages himself as an agent or canvasser in contravention of the provisions of Section 66-A or any rules made thereunder shall be punishable for the first offence with fine which may extend to one thousand rupees and for any second or subsequent offence with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both."

Provided that no Court shall, except for reasons to be recorded by it in writing, impose a fine of less than five hundred rupees for any such second or subsequent offence."

69. Amendment of Section 124.

In Section 124 of the principal Act, for the words and figures "Section 72 or of the conditions of any permit issued thereunder, or in contravention of any prohibition or restriction imposed under Section 74 shall be punishable", the words and figures "Section 72 or of the conditions prescribed under that section, or in contravention of any prohibition or restriction imposed under Section 72 or Section 74, shall be punishable" shall be substituted.

70. Amendment of Section 129-A.

To Section 129-A of the principal Act, the following proviso shall be added, namely—

"Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used without the permit required by sub-

section (1) of Section 42, he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof."

71. Amendment of Section 130.

In Section 130 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Court taking cognizance of an offence under this Act,—

(i) may, if the offence is an offence punishable with imprisonment under this Act, and

(ii) shall, in any other case, state upon the summons to be served on the accused person that he—

(a) may appear by pleader and not in person, or

(b) may, by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court such sum (not exceeding the maximum fine that may be imposed for the offence) as the Court may specify :

Provided that nothing in this sub-section shall apply to any offence specified in Part A of the Fifth Schedule."

72. Insertion of new Section 131-A.

After Section 131 of the principal Act, the following section shall be inserted, namely:—

Courts to send intimations about conviction.

"131-A Every Court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used shall send intimation to—

(a) the licensing authority which issued the driving licence, and

(b) the licensing authority by whom the licence was last renewed, and every such intimation shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, the nature of the offence, the punishment awarded for the same and such other particulars as may be prescribed."

73. Insertion of new Section 132-A.

In Chapter X of the principal Act, before Section 133, the following section shall be inserted, namely:—

Power to levy fee.

"132-A. Any rule which the Central Government or the State Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of documents, issue of certificates, licences, permits, tests, endorsements, badges, plates, counter-signatures authorisation, supply of statistics or copies of documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Act or any rule made thereunder as may be considered necessary :

Provided that the Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full."

74. Amendment of Section 133-A.

In Section 133-A of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

"(4) In addition to the powers that may be conferred on any officer of the Motor Vehicles Department under sub-section (3), such Officer, as may be empowered by the State Government in this behalf shall also have the power to,—

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed;

(b) with such assistance, if any, as he thinks fit, enter, inspect and search any premises which is in the occupation of a person who, he has reason to believe, has committed an offence under this Act or in which a motor vehicle in respect of which such offence has been committed is kept:

Provided that—

(i) any such search without a warrant shall be made only by an officer of the rank of a gazetted officer;

(ii) where the offence is punishable with fine only the search shall not be made after sunset and before sunrise;

(iii) where the search is made without a warrant, the gazetted officer concerned shall record in writing the grounds for not obtaining a warrant and report to his immediate superior that such search has been made;

(c) examine any person and require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;

(d) seize or take copies of any registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed;

(e) launch prosecutions in respect of any offence under this Act and to take a bond for ensuring the attendance of the offender before any court;

(f) exercise such other powers as may be prescribed.

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.

(5) The provisions of the Code of Criminal Procedure, 1898 shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure under the authority of any warrant issued under Section 98 of that Code."

75. Amendment of section 134.

In Section 134 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), if an application made by a person for the renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Act against such rejection, the appellate authority or, as the case may be, the revisional authority may by order direct that the permit shall, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal or application for revision is disposed of."

76. Insertion of new Section 135.

After section 134 of the principal Act, the following section shall be inserted, namely:—

Repeal and saving.

"135. (1) The enactments specified in the Twelfth Schedule are hereby repealed to the extent mentioned therein.

(2) Notwithstanding the repeal of any enactment by this section,—

(a) any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or any licence, permission or exemption granted, or any confiscation made, or any penalty or fine imposed, or any forfeiture, cancellation or discharge of any bond ordered, or any other thing done, or any other action taken under the repealed enactment, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act;

(b) any document referring to any enactment hereby repealed, or to any provision thereof, shall be construed as referring to this Act or to the corresponding provision of this Act.

(3) Any penalty payable under any repealed enactment may be recovered in the manner provided by or under this Act but without prejudice to any action already taken for the recovery of such penalty under the repealed enactment

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of Section 6 of the General Clauses Act, 1897, with regard to the effect of repeals."

77. Amendment of First Schedule.

In the First Schedule to the principal Act,—

(a) in Form A, in Part III,—

(i) in paragraph (b), after the words "with each eye", the following brackets and words shall be inserted, namely:—

"(or if you have held a licence to drive a motor vehicle for a period of not less than five years and if you have lost sight of one eye after the said period of five years and if the application is for driving a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye)";

(ii) in paragraph (f), after the words "unable to hear", the brackets and

words "(and if the application is for driving a light motor vehicle, with or without hearing aid)" shall be inserted;

(b) in Form AA, for the words "I hereby", the following words "I, Shri/Shrimati/Kumari hereby" shall be substituted;

(c) in Form B.—

(i) below the heading "Form of application for the renewal of driving licence", the figures "1" shall be inserted;

(ii) for the words "I hereby apply", the words "I, Shri/Shrimati/Kumari. hereby apply" shall be substituted;

(iii) for the words beginning with "I hereby declare" and ending with "danger to the public", the following figures, words, brackets and letters shall be substituted, namely:—

II

Declaration, as to physical fitness of the applicant

(The applicant is required to answer "yes" or "no" in the space provided opposite each question.)

(a) Do you suffer from epilepsy, or from sudden attacks of disability, giddiness or fainting?

(b) Are you able to distinguish with each eye (or if you have held a licence to drive a motor vehicle for a period of not less than five years and if you have lost sight of one eye after the said period of five years and if the application is for driving a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye) at a distance of 25 metres in good day light (with glasses, if worn), a motor car number plate containing seven letters and figures?

(c) Have you lost either hand or foot or are you suffering from any defect in movement, control or muscular power of either arm or leg?

(d) Can you readily distinguish pigimentary colours red and green?

(e) Do you suffer from night blindness?

(f) Are you so deaf as to be unable to hear (and if you are an applicant for the renewal of a driving licence in respect of light motor vehicle with or without hearing-aid) the ordinary sound signals?

(g) Do you suffer from any other disease or disability likely to cause your driving of a motor vehicle to be a source of danger to the public?

I declare that to the best of my knowledge and belief, the particulars given in Section I and the declaration made in Section II here of are true.

Note 1.— An applicant who answers "yes" to any of the questions (a), (c), (e), (f) and (g) or "no" to either of the questions (b) and (d) should amplify his answer with full particulars and may be required to give further information relating thereto.

Note 2.— An applicant who answers "yes" to questions (b), (c) and (d) in the declaration and "no" to the other questions may claim to be subjected to

a test as to his competency to drive vehicles of a specified class or classes.

Note 3.— An application for renewal of a driving licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate, shall be accompanied by a medical certificate in Form C.;

(d) in Form C, in sub-paragraph (d) of paragraph 4, after the word "hearing", the brackets and words "(and in the case of an applicant for a licence to drive a light motor vehicle, with or without hearing-aid)" shall be inserted;

(e) in Form D,—

(i) for the expression "son/daughter of (father's name)", the expression "wife/son/daughter of" shall be substituted;

(ii) for the words "He is", the expression "He/She is" shall be substituted;

(f) in Form E,—

(i) in item 1, for the words "or husband", the words and brackets "and husband (in the case of a married woman)" shall be substituted;

(ii) after item 7, the following item shall be inserted, namely:—

"7A. Cubic capacity";

(iii) after item 10, the following item shall be inserted, namely:—

"10A. Fuel used in the engine.";

(iv) for item 15, the following item shall be substituted, namely:—

"15. Maximum laden weight—

(a) as certified by the manufacturer Kgms.

(b) to be registered Kgms.";

(v) the Explanation shall be omitted;

(vi) for the Note, the following Note shall be substituted, namely:—

"Note.— The motor vehicle above described is —

(i) subject to hire-purchase agreement with;

(ii) subject to a hypothecation in favour of"

(iii) not held under hire-purchase agreement or subject to any mortgage.

(Strike out whatever is not applicable and, if the motor vehicle is subject to hire-purchase agreement or hypothecation, obtain the signature of the hire-purchase company or the mortgagee, as the case may be.);

(vii) for the words, "Signature of the Hire Purchase Company.", the following expression shall be substituted:—

Hire-purchase Company.;"

"Signature of _____
Mortgagee.

(g) in Form G,—

(i) in line 8, for the words "or husband", the words and brackets "and husband (in the case of a married woman)" shall be substituted;

(ii) after item 7, the following item shall be inserted, namely:—

"7A. Fuel used in the engine.";

(iii) after item 8, the following item shall be inserted, namely:—

"8A. Cubic capacity";

(iv) for item 12, the following item shall be substituted, namely:—

"12. Maximum laden weight —

(a) as certified by the manufacturer Kgms.

(b) as registered Kgms.";

(v) for the Note, the following Note shall be substituted, namely:—

"Note.— The motor vehicle above described is —

(i) subject to a hire-purchase agreement with;

(ii) subject to a hypothecation in favour of";

78. Amendment of Second Schedule.

In the Second Schedule to the principal Act,—

(i) in paragraph 4, after the words "with each eye", the following brackets and words shall be inserted, namely:—

"(or in the case of a person who has held a licence to drive a motor vehicle for a period of not less than five years and lost sight of one eye after the said period of five years and has applied for a licence to drive a light motor vehicle, other than a transport vehicle, with one eye)";

(ii) in paragraph 5, after the word "hearing", the words "or in the case of a person who has applied for a licence to drive a light motor vehicle, with or without hearing-aid" shall be inserted.

79. Substitution of Third Schedule.

"For the Third Schedule to the principal Act, the following Schedule shall be substituted, namely:—

THE THIRD SCHEDULE

[See Sections 7 (6) and 17 (6)]

Test Of Competence To Drive

PART I

The candidate shall satisfy the person conducting the test that he is able to—

(1) start the engine of the vehicle;

(2) move away straight ahead and at an angle, while at the same time engaging the first and intermediate gears until the top gear is reached;

(3) change down to the lower gear quickly from the top gear when the traffic conditions warrant such change;

(4) overtake, allow to be overtaken, meet or cover the path of other vehicles and take an appropriate course with proper caution giving appropriate signals;

(5) turn right and left corners correctly;

(6) stop the vehicle in an emergency and normally and in the latter case bring it to rest at an appropriate course of the road;

(7) drive the vehicle backwards and whilst so doing enter a limited opening to the right and left;

(8) cause the vehicle to face in the opposite direction by means of forward and reverse gears;

(9) give by hand and by mechanical means (if fitted to the vehicle), or, in

the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand, by mechanical means in a clear and unmistakable manner, appropriate signals at appropriate times to indicate his intended actions;

(10) act correctly and promptly on all signals given by traffic signs, automatic traffic lights, traffic police or other authorised persons and take appropriate notice of signs given by other road users;

(11) demonstrate general control of the vehicle by confident steering and smooth gear changing and braking as and when necessary;

(12) to change quickly to lower gear while driving down-hill;

(13) to stop and re-start the vehicle on a steep upward incline making proper use of the handbrake or of the throttle and the footbrake without any rolling back.

Note. (i) — Requirements (7) and (8) are not applicable in the case of a motor cycle or a tri-cycle not equipped with means for reversing;

(ii) Requirements (7), (8) and (9) are not applicable in the case of invalid carriages.

PART II

The candidate shall satisfy the person conducting the test that he is —

(1) cognizant of the provisions of Sections 81, 82, 83, 84 and 85 and of the Tenth Schedule;

(2) conversant with the general traffic rules and regulations relating to the use of lights, speeding, parking, stopping the vehicle in an emergency, accidents, production of documents, right of way, controlled and uncontrolled pedestrian crossings, meaning of light signals (amber, red and green), overtaking, taking a "U" turn, silence zones, one-way traffic, driving on channelised roads and other relevant matters;

(3) aware of the meaning of the traffic signs specified in the Ninth Schedule;

(4) not so deaf as to be unable to hear (or in the case of a person who has applied for a licence to drive a light motor vehicle with or without hearing-aid), the ordinary sound signals (This shall not apply to a person who has produced a medical certificate in Form C.);

(5) able to distinguish with each eye (or in the case of a person who has held a licence to drive a motor vehicle for a period of not less than five years and lost sight of one eye after the said period of five years and has applied for a licence to drive a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye) at a distance of 25 meters in good day light (with glasses if worn) a motor car number plate containing seven

letters and figures. (This shall not apply to a person who has produced a medical certificate in Form C.)'

80. Substitution of Sixth Schedule.
For the Sixth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

"THE SIXTH SCHEDULE
[See Sections 24 (3) and 29 (2)]

Registration Marks

One of the groups of letters specified in the second column followed by any other letter shall be used as the registration mark for a vehicle in the State specified in the first column.

1	2
Andhra Pradesh AP, AA	Tamil Nadu TN, TM
Assam AS	Uttar Pradesh UP, US, UT
Bihar BR, BH	West Bengal WB, WG, WM
Gujarat GJ, GT	Chandigarh CG, CH
Haryana HR, HY	Delhi DL, DH
Jammu and Kashmir JK	Goa, Daman and Diu GD
Kerala KL	Himachal Pradesh HI, HP
Madhya Pradesh MP, CP	Manipur MN
Maharashtra MR, MH	Pondicherry PY, PD
Mysore MY, ME	Tripura TR
Nagaland NL	Andaman and Nicobar Islands AN
Orissa OR, OS	Laccadive, Minicoy and Amindivi Islands LC, MA
Punjab PN, PU	
Rajasthan RJ, RS	

Note 1.— These letters shall be followed by not more than four figures, and the letters and figures shall be shown —

1. In the case of temporary vehicles. In black on a white ground.
2. In the case of temporary registrations (Section 25). In red on a yellow ground.
3. In the case of registration marks allotted to dealers [Section 41 (2) (k)]. In white on a red ground.
4. In other cases. In white on a black ground.

Note 2.—In respect of the Maharashtra State, the letters BM, BY may continue to be used in respect of vehicles which were registered before the 1st October, 1961."

81. Substitution of Eighth Schedule.

For the Eighth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

"The EIGHTH SCHEDULE
(See Section 71)

Limits Of Speed For Motor Vehicles

Class of vehicle	Maximum speed per hour in Kilometres
(1) If all the wheels of the vehicle are fitted with pneumatic tyres and the vehicle is not drawing a trailer :—	
(a) if the vehicle is a light motor vehicle or a motor cycle	No limit.
(b) if the vehicle is a medium or heavy passenger motor vehicle	60
(c) if the vehicle is a medium or heavy goods motor vehicle	60
(2) If the vehicle is an articulated vehicle (all the wheels of which are fitted with pneumatic tyres) which is a heavy motor vehicle	50.
(3) If the vehicle is drawing not more than one trailer (or in the case of artillery equipment, not more than two trailers) and all the wheels of that vehicle and the trailer are fitted with pneumatic tyres :—	
(a) if the vehicle is a light motor vehicle and the trailer being two-wheeled has a laden weight not exceeding 800 kgms.	60'
(b) if the vehicle is a light motor vehicle and the trailer has more than two wheels or a laden weight exceeding 800 kgms.	50
(c) if the vehicle is a medium motor vehicle	50
(d) if the vehicle is a heavy motor vehicle	40
(e) if the vehicle is a heavy motor vehicle used by the fire brigade	50
(4) Any case not covered by entry (1), (2) or (3)	30."

82. Insertion of new Schedule.

After the Eleventh Schedule to the principal Act, the following Schedule shall be inserted, namely:—

"THE TWELFTH SCHEDULE

(See Section 135)

Repeal Of Certain Enactments

Serial No.	Short title	Extent of repeal
1	2	3
1.	Motor Vehicles (Andhra Pradesh) (Andhra Area) Amendment Act, 1948 (20 of 1948)	The whole except sections 1 and 12.
2.	Motor Vehicles (Andhra Pradesh) (Telangana Area) Amendment Act, 1956 (45 of 1956)	The whole.
3.	Assam State Road Transport Act, 1954 (30 of 1954)	The whole.
4.	Assam State Road Transport (Amendment) Act, 1955 (18 of 1955)	The whole.
5.	Motor Vehicles (Bihar Amendment) Act, 1949 (27 of 1950)	The whole except sections 1 and 3.
6.	Motor Vehicles (Bihar Amendment) Act, 1953 (1 of 1954)	The whole.
7.	Motor Vehicles (Madras Amendment) Act, 1948 as applicable to Kerala (20 of 1948)	The whole except sections 1 and 3.
8.	Motor Vehicles (Madras Amendment) Act, 1949 as applicable to Kerala (44 of 1949)	The whole.
9.	Motor Vehicles (Madras Amendment) Act, 1954 as applicable to Kerala (39 of 1954)	The whole.
10.	Motor Vehicles (Madras Amendment) Act, 1948 (20 of 1948)	The whole except sections 1, 3 and 5
11.	Motor Vehicles (Madras Amendment) Act, 1949 (44 of 1949)	The whole.
12.	Motor Vehicles (Madras Amendment) Act, 1954 (39 of 1954)	The whole except sections 1 and 2.
13.	Motor Vehicles (Madras Amendment) Act, 1957 (19 of 1957)	The whole.
14.	Central Provinces and Berar Motor Vehicles (Amendment) Act, 1947 as applicable to Madhya Pradesh (3 of 1948)	The whole.
15.	Motor Vehicles (Bombay Amendment) Act, 1947 (7 of 1947)	The whole.
16.	Central Provinces and Berar Motor Vehicles (Amendment) Act, 1947 as applicable to Maharashtra (3 of 1947)	The whole.
17.	Motor Vehicles (Bombay Amendment) Act, 1954 (31 of 1954)	The whole.
18.	Motor Vehicles (Hyderabad Amendment) Act, 1956 as applicable to Maharashtra (55 of 1956)	The whole.
19.	Motor Vehicles (Mysore Amendment) Act, 1953 (14 of 1953)	The whole.
20.	Motor Vehicles (Mysore Amendment) Act, 1955 (16 of 1955)	The whole.
21.	Motor Vehicles (Bombay Amendment) Act, 1947 as applicable to Mysore (7 of 1947)	The whole.
22.	Motor Vehicles (Bombay Amendment) Act, 1954 as applicable to Mysore (31 of 1954)	The whole.
23.	Motor Vehicles (Hyderabad Amendment) Act, 1956 as applicable to Mysore (45 of 1956)	The whole.
24.	Motor Vehicles (Madras Amendment) Act, 1948 as applicable to Mysore (20 of 1948)	The whole.
25.	Motor Vehicles (Madras Amendment) Act, 1949 as applicable to Mysore (45 of 1949)	The whole.
26.	Orissa Motor Vehicles (Amendment) Act, 1948 (1 of 1949)	The whole.
27.	Orissa Motor Vehicles (Regulation of State Carriage and Public Carrier's Services) Act, 1947 (36 of 1947)	The whole.
28.	Orissa Motor Vehicles (Regulation of State Carriage and Public Carrier's Services) Amendment Act, 1951 (41 of 1951)	The whole.
29.	Motor Vehicles (East Punjab Amendment) Act, 1948 (28 of 1948)	The whole except sections 1, 3, 4 and 10.
30.	Motor Vehicles (United Provinces Amendment) Act, 1948 (11 of 1948)	The whole.
31.	Motor Vehicles (Uttar Pradesh Amendment) Act, 1953 (28 of 1953)	The whole.
32.	Uttar Pradesh Road Transport Services (Development) Act, 1955 (9 of 1955)	The whole except sections 1 and 14.

1	2	3
33.	Motor Vehicles (West Bengal Amendment) Act, 1951 (19 of 1951)...	The whole.
34.	Motor Vehicles (Delhi Amendment) Act, 1954 (5 of 1954)	... The whole.
35.	Himachal Pradesh State Road Transport Act, 1953 (5 of 1954)	... The whole.

THE CONSTITUTION (TWENTY-THIRD AMENDMENT) ACT, 1969 [*]

[23rd January, 1970]

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title.

This Act may be called the Constitution (Twenty-third Amendment) Act 1969.

2. Amendment of article 330.

In article 330 of the Constitution, in sub-clause (b) of clause (1), for the words "except the Scheduled Tribes in the tribal areas of Assam", the words "except the Scheduled Tribes in the tribal areas of Assam and in Nagaland" shall be substituted.

* Received the assent of the President on 23-1-1970. Act published in Gaz. of Ind., 23-1-1970, Pt. II-S. 1, Ext. p. 1.

For Statement of Objects and Reasons see Gaz. of Ind. 21-8-1969, Pt. II-S. 2, Ext. p. 831.

3. Amendment of article 332.

In article 332 of the Constitution, in clause (1), for the words "except the Scheduled Tribes in the tribal areas of Assam", the words "except the Scheduled Tribes in the tribal areas of Assam and in Nagaland" shall be substituted.

4. Amendment of article 333.

(1) In article 333 of the Constitution, for the words "nominate such number of members of the community to the Assembly as he considers appropriate", the words "nominate one member of that community to the Assembly" shall be substituted.

(2) Nothing contained in sub-section (1) shall affect any representation of the Anglo-Indian community in the Legislative Assembly of any State existing at the commencement of this Act until the dissolution of that Assembly.

5. Amendment of article 334.

In article 334 of the Constitution, for the words "twenty years", the words "thirty years" shall be substituted.

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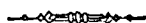
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SUPREME COURT SECTION

WITH COMPARATIVE TABLES FOR

- (1) SUPREME COURT REPORTS
- (2) SUPREME COURT JOURNAL
- (3) SUPREME COURT DECISIONS
- (4) SUPREME COURT WEEKLY REPORTER

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SUPREME COURT OF INDIA

1969

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The Hon'ble Mr. Justice Mohd. Hidayatullah.

PUISNE JUDGES:

The Hon'ble Mr. Justice J. C. Shah.

"	"	S. M. Sikri.
"	"	R. S. Bachawat (up to 1-8-69).
"	"	V. Ramaswami (up to 30-10-69).
"	"	J. M. Shelat.
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"	"	A. N. Ray (From 1-8-69).
"	"	P. Jaganmohan Reddy (From 1-8-69).
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that the security bond created a charge over the properties in favour of plaintiffs for payment of decretal amount and gave them liberty to apply for sale of properties for the discharge of the incumbrance — Properties sold and assets held by Court — Under S. 73 (1), Proviso (c) proceeds of sale, after defraying expenses of the sale, must be applied in the first instance in discharging the amount due to the decree-holders and the balance left over distributed amongst other decree-holders applying for rateable distribution.

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—S. 47—Rent decree—Order under S. 168 of U. P. Tenancy Act directing delivery of possession to decree-holder — Order relates to execution, discharge or satisfaction of decree and is appealable—I L R (1965) 2 All 383, **Reversed** — See Tenancy Laws — U. P. Tenancy Act (17 of 1939), S. 168 (Dec) 1270

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—S. 60—Bank holding power of attorney to collect bills due to executant towards bank advances—Order for payment to bank endorsed on bill sent for collection — Bill could not be attached under S. 60—A I R 1963 Madh Pra 132, **Reversed**—See T. P. Act (4 of 1882), S. 130 (Apr) 313

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—S. 73—Decree-holder creditors applying for rateable distribution of assets held by executing Court in respect of another decree passed by High Court cannot challenge the decree under which the assets were held, as invalid, on the ground that High Court had no territorial jurisdiction under Cl. 12 of Letters Patent to pass decree for sale of properties outside its local limits of its ordi-

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—S. 80 — Suit against public officer — It must be shown that suit is in respect of an act purporting to be done by him in his official capacity—See Municipalities—Ajmer Marwar Municipalities Regulation (1925), S. 233 (Mar) 227A

—S. 80—Object of — Is to avoid unnecessary litigation, waste of time and public money — Provisions not intended to set up booby-traps against ignorant and illiterate persons (Aug) 674A

—S. 80—Notice—Requirement of—Person issuing notice and person who files suit must be same—Notice held not defective on that ground — F. A. No. 205 of 1950, D/- 24-4-1962 (All), **Reversed** (Aug) 674B

—S. 80—Object of notice under — Compliance with section — Matters to be taken into consideration — Notice given by Karta of joint family — Partition subsequent to notice—Notice held sufficient to sustain suit by divided coparceners — F. A. No. 217 of 1959, D/- 16-4-1963 (M. P.), **Reversed** (Dec) 1256A

—S. 92—Wakf in favour of family members of founder and in favour of public—Suit for removal of mutwalli and appointment of new trustee — Held that the provisions of S. 92 were attracted and the suit filed without the consent of Advocate-General was not maintainable — Test for applicability of S. 92 stated (Oct) 884

—S. 96 — Determination of any question within S. 47 is a decree — Appellant can file appeal under S. 96 — Appeal is incompetent unless memorandum thereof is accompanied by certified copy of judgment. AIR 1940 Pat 176, **Overruled**—See Civil P. C. (1908), O. 41, R. 1 (July) 575A

—S. 96 — Appeal against consent decree — Agreement to refer disputes in pending suits to arbitration of sole judge extra cursum curiae — Under terms of agreement Judge to act in dual capacity as arbitrator and a Judge — Order passed in pursuance of agreement in partition suit — On facts order held to be judgment and preliminary decree and not award — See Arbitration Act (1940), S. (a) and (b) (Dec)

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—S. 99 — Land acquisition proceeding — Compensation awarded by Land Acquisition Officer substantially enhanced by High Court relying on inadmissible evidence — Evidence of claimant rejected by High Court — No appeal by Government against enhancement of compensation — If inadmissible evidence were not relied, the compensation allowed by Land Acquisition Officer would have remained — Claimant cannot therefore complain against High Court that it has taken into consideration inadmissible evidence — See Evidence Act (1872), S. 167

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—S. 100 and O. 42, R. 1 — New plea — Plea as to invalidity of exchange of raiyati holding under S. 27, Sonthal Parganas Settlement Regulation raised at stage of arguments in second appeal — High Court held was bound to take notice of it and was not justified in refusing to entertain it. AIR 1964 Pat 254, **Reversed**

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—Ss. 100-101 — New point involving pure question of law — Execution of decree — Power of attorney by decree-holder to his agent — Application by agent to execute decree — Objection by decree-holder subsequently that decree is in his name and agent cannot proceed — Objection is legal — Can be raised for first time in second appeal. AIR 1964 All 441, **Reversed**

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—Ss. 100, 101 — Finding of fact — Finding by lower Courts that increase in rent did not import new demise — Finding cannot be interfered in second appeal (Dec) 1291D

—S. 100 (1)(a) — Powers under, are not co-extensive with those under S. 75 (1), first proviso, Provincial Insolvency Act — See Provincial Insolvency Act (1920), S. 75 (1), first proviso (Dec) 1344A

—S. 105 (2) — Points decided by interlocutory order of single Judge can be canvassed — S. 105 (2), Civil P. C. does not apply — See Letters Patent (Bom.), Cl. 15

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—S. 107 — Appeal to Supreme Court — Finding of fact and appreciation of evidence — Practice — Supreme Court should be slow to depart from the conclusion of the trial Judge — See Representation of the People Act (1951), S. 116A

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—S. 107 — Powers of appellate Court — Held on facts that the High Court was not legally justified in giving further relief to plaintiff by remanding case with direction that defendant should be asked to render account than that granted by trial Court. S. As. Nos. 4940 and 3660 of 1961, D/- 27-4-1964 (All.), **Reversed** — See Civil P. C. (1908), O. 41, R. 33

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—S. 107 — Covenant of forfeiture of tenancy for non-payment of rent — Passing of decree for ejectment of tenant by trial Court — No bar to jurisdiction of appellate Court to grant relief against forfeiture — See Transfer of Property Act (1882), S. 114

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—S. 112 — Appeal to Supreme Court — Finding of fact and appreciation of evidence — Practice — Supreme Court should be slow to depart from the conclusion of the trial Judge — See Representation of the People Act (1951), S. 116A

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—S. 115, O. 20, Rr. 12, 17 — Exercise of jurisdiction illegally or with material irregularity — Suit by landlord against tenant for possession, arrears of rent and mesne profits — In decree passed in such suit, Court giving direction that landlord do render account of overpayments made to him — Court acts illegally and with material irregularity — High Court has full power to revise this decree under S. 115 and give such direction in the matter as it thinks fit

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—S. 115 — High Court cannot in revision, determine amount of compensation — See Municipalities — M. B. Municipal Corporation Act (23 of 1956), S. 392

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—S. 146 — Decree-holder indebted to bank — Power of attorney by him in bank's favour to execute decree and credit realisations for discharging his debt — Bank can execute decree in its own rights under S. 146, though not under O. 21, R. 16 — See Contract Act (1872), S. 202

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—S. 151 — Decree obtained by creditor against debtor and surety — Direction therein to exhaust remedies against debtor first — Ends of justice not requiring such direction — Direction not valid under S. 151 — A. F. O. D. No. 300 of 1959 D/- 3-12-1962 (Pat), **Reversed** — See Contract Act (1872), S. 128

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—S. 151 — Eviction order against plaintiff — Suit by plaintiff for permanent injunction restraining defendant from taking possession in execution of order — Application by plaintiff under O. 39, Rr. 1 and 2 and S. 151 for grant of temporary injunction — Trial Court dismissed application holding that no prima facie case had been made out and that liability to be ejected in execution of a valid order could not be said to be "injury" within O. 39, R. 2 — Order of dismissal is appealable under O. 43, R. 1 — Order cannot be said to have been passed under S. 151 inasmuch as for holding that O. 39, R. 2 did not apply the Court was not

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—O. 1, R. 10 — Parties and representatives — Benamidar can represent real owner — See Civil P. C. (5 of 1908), S. 11 (Apr) 316A

—O. 1, R. 10 — Election petition — Candidate against whom charge of corrupt practice is made must be joined as party — Provisions of O. 1, R. 10 cannot be used as curative means to save election petition — See Representation of the People Act (1951), S. 86 (1) (Aug) 677A

—O. 1, R. 10 — Election petition—Necessary party not joined within limitation for filing petition — High Court has no power to allow addition after the limitation — Limitation Act does not apply—Civil P. C., O. 6, R. 17 and O. 1, R. 10 have no application — See Representation of the People Act (1951 as amended in 1966), S. 81 (Oct) 872B

—O. 2 (2) — Determination of any question within S. 47 is a decree. AIR 1940 Pat 176, **Overruled**—See Civil P. C. (1908), O. 41, R. 1 (July) 575A

—O. 3, R. 4, O. 7, R. 7 — (Practice—Duty of counsel) — Before tall claims are made which cannot stand against law and the Constitution, those that make them should reasonably be sure that they are right (Oct) 903H

—O. 6, R. 2 — Pleadings — Pleadings on certain point vague but all facts necessary for determination of point were before Court — Objection cannot be taken to consideration of point in appeal by Supreme Court — See Constitution of India, Art. 133 (Jan) 125C

—O. 6, R. 2 — Suit for ejectment by landlord against tenant — Denial by tenant that he has sub-let premises — No pleading or issue that permission to sub-let taken — Court has no jurisdiction to decide whether permission was granted — See Civil P. C. (1908), O. 14, R. 2 (Dec) 1291E

—O. 6, R. 4 — Corrupt practice by undue influence must be pleaded—Pleadings must set out full facts—See Representation of the People Act (1951), S. 123 (2) (July) 583A

—O. 6, R. 9—Election petition—Pleading and proof—Plea of corrupt practice of hiring or procuring motor cars to carry voters — Particulars of cars and voters given —

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—O. 6, R. 17 — Election petition—Candidate against whom charge of corrupt practice

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is made must be joined as party—Provisions of O. 6, R. 17 cannot be used as curative means to save election petition—See Representation of the People Act (1951), S. 86 (1) (Aug) 677A

—O. 6, R. 17 — Election petition—Necessary party not joined within limitation for filing petition—High Court has no power to allow addition after the limitation — Limitation Act does not apply—Civil P. C., O. 6, R. 17 and O. 1, R. 10 have no application—See Representation of the People Act (1951 as amended in 1966), S. 81 (Oct) 872B

—O. 6, R. 17 — Decree declaring that the security bond in respect of immovable property would enure for the benefit of plaintiffs decree-holders for the decretal amount — This relief granted on oral prayer of plaintiffs — Decree should not be construed as containing merely a recital of the fact that a security bond had been exempted, because of omission to amend plaint by adding prayer for enforcement of charge—On its true construction the decree held declared that the security bond created a charge over the properties in favour of plaintiffs for payment of decretal amount and gave them liberty to apply for sale of properties for the discharge of the incumbrance—See Civil P. C. (1908), S. 47 (Dec) 1147C

—O. 6, R. 17 and 153 and O. 30, R. 1 — Amendment of plaint—Discretion of Court — Not to be refused on technical grounds—AIR 1965 All 586, **Reversed** (Dec) 1267A

—O. 6, R. 153—Case where Civil P. C. does not permit suit to be brought in firm name — Description of plaintiff by firm name—Such a misdescription can be corrected by amendment of plaint — AIR 1965 All 586, **Reversed**—See Civil P. C. (1908), O. 6, R. 17 (Dec) 1267A

—O. 7, R. 7 — Practice—Duty of counsel — Before tall claims are made which cannot stand against law and the Constitution those that make them should reasonably be sure that they are right — See Civil P. C. (1908), O. 3, R. 4 (Oct) 903H

—O. 7, R. 7 — Decree declaring that the security bond in respect of immovable property would enure for the benefit of plaintiffs decree-holders for the decretal amount — This relief granted on oral prayer of plaintiffs — Decree should not be construed as containing merely a recital of the fact that a security bond had been exempted, because of omission to amend plaint by adding prayer for enforcement of charge—On its true construction the decree held declared that the security bond created a charge over the properties in favour of plaintiffs for payment of decretal amount and gave them

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—O. 9, R. 8—Application under S. 47 resisting execution dismissed for default—Subsequent application not barred—AIR 1947 Pat 298, **Overruled**—*See* Civil P. C. (1908), S. 11 (Nov) 971A

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—O. 14, R. 2; O. 6, R. 2—Suit for ejectment by landlord against tenant—Denial by tenant that he has sub-let premises—No pleading or issue that permission to sub-let taken—Court has no jurisdiction to decide whether permission was granted (Dec) 1291E

—O. 16, R. 14—Election Tribunal has power under O. 16, R. 14, C. P. C. to suo motu summon Court witnesses—*See* Representation of the People Act (1951), S. 90 (1) (Aug) 692A

—O. 16, R. 14—Election petition—Allegation of corrupt practice—Application under O. 16, R. 14, Civil P. C.—Petitioner's version found to be not true—Held, there was no compelling reason for High Court to examine P as Court witness—*See* Representation of the People Act (1951), S. 90 (Nov) 1034E

—O. 20, R. 4—Evidence—Land acquisition proceedings—Market value of land—Reference by appellate Court after conclusion of arguments to documents which are not part of record is not permissible—AIR 1964 Madh Pra 196, **Reversed**—*See* Evidence Act (1872), S. 3 (Mar) 255B

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—O. 20, R. 5—Contested suit—Trial Court decreeing claim without delivering judgment—High Court also in appeal confirming trial Court's decision without recording reasons—Held there was no real trial of defendant's case—*See* Civil P. C. (1908), S. 33 (Dec) 1167

—O. 20, R. 11 (1)—Decree obtained by creditor against debtor and surety—Direction therein to first exhaust remedies against debtor—Direction, held, not justified under O. 20, R. 11 (1)—A. F. O. D. No. 300 of 1959, D/- 3-12-1962 (Pat), **Reversed**—*See* Contract Act (1872), S. 128 (Apr) 297

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mesne profits—In decree passed in such suit, Court giving direction that landlord do render account of over payments made to him—Court acts illegally and with material irregularity—*See* Civil P. C. (1908), S. 115 (Jan) 37A

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—O. 21, R. 16—Decree-holder indebted to Bank—Power of attorney by him in Bank's favour to execute decree and credit realisations for discharging his debt—Bank can execute decree in its own rights under S. 146, though not under O. 21, R. 16—*See* Contract Act (1872), S. 202 (Jan) 73B

—O. 21, R. 30 (e)—Sugar company liable to pay income-tax dues, sugarcane cess and price of sugarcane—Amount recoverable as arrears of land revenue—Proceedings under S. 286 (2)—Processes prescribed by Cls. (a) to (e) of S. 279 are not bound to be exhausted by Collector—*See* Tenancy Laws—U. P. Zamindari Abolition and Land Reforms Act, 1950 (1 of 1951), S. 286 (Oct) 897A

—O. 21, R. 35—Proceedings between benamidar and third party—Death of benamidar—His heirs brought on record—Dismissal of application of real owner for being brought on record—Decree against legal heirs of benamidar—Real owner is bound by decree—Decree can be executed against him—*See* Civil P. C. (5 of 1908), S. 11 (Apr) 316A

—O. 21, R. 50—Collector can execute certificate of demand against a "partner" of unregistered firm under O. 21, R. 50 which applies by virtue of proviso to S. 46 (2)—*See* Income-tax Act (1922), S. 46 (Aug) 667B

—O. 21, R. 52—Attachment of Provident Fund cheques of a retired railway employee lying with Reserve Bank in execution of money decree was contrary to terms of S. 3, Provident Funds Act, because obligation of railway administration could not be said to have been discharged till directions of subscriber regarding transmission of fund were complied with. AIR 1962 Cal 169, **Reversed**—*See* Provident Funds Act (1925), S. 3 (Sep) 762

—O. 21, R. 58—Subscriber to Railway Provident Fund requesting payment in sterling and by Bank draft in a bank in England—Attachment of cheques drawn by Railway lying with Reserve Bank in execu-

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tion of money decree was bad — Union of India, being trustee for subscriber had interest to maintain application for removal of attachment—A I R 1962 Cal 169, **Reversed**—

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—O. 23, Rr. 1 and 3 — C, a trespasser, dispossessing A in possession of land in lieu of maintenance — Suit for declaration of right and possession by A joining B as co-plaintiff — B compromising with C applying for withdrawal of suit — Court cannot dismiss the suit of A on the basis of the application. Misc. Appeal No. 22 of 1962, D/- 17-9-1962 (M.P.), **Reversed** (Dec) 1118

—O. 23, R. 3 — C, a trespasser, dispossessing A in possession of land in lieu of maintenance — Suit for declaration of right and possession by A joining B as co-plaintiff — B compromising with C applying for withdrawal of suit — Court cannot dismiss the suit of A on the basis of the application. Misc. App. No. 22 of 1962 D/- 17-9-1962, (M.P.), **Reversed**—*See* Civil P. C. (1908), O. 23, R. 1 (Dec) 1118

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—O. 34, R. 1—Puisne mortgagee party in prior mortgagee's suit—Claim of prior mortgagee satisfied by payments made by mortgagor before sale — Puisne mortgagee is entitled to institute separate suit in respect of his mortgage — *See* Transfer of Property Act (1882), S. 67 (July) 600A

—O. 34, R. 2 — Scope and applicability—Suit by puisne mortgagee—Grant of interest — Principles — Appeal No. 82 of 1959, D/- 17-1-1962 (Cal.), **Reversed** — *See* Civil P. C. (1908), S. 34 (July) 600B

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—O. 34, R. 7—Suit for accounting and decree for surplus—If a suit for redemption—*See* Constitution of India, Art. 133 (Sep) 751A

—O. 34, R. 9 — Suit for accounting and decree for surplus — If a suit for redemption

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—*See* Constitution of India, Art. 133

(Sept) 751A

—O. 34, R. 9 — Suit for accounts and decree for surplus under S. 76, T. P. Act read with O. 34, R. 9, Civil P. C.—Is not covered by S. 2 (3) (b) of Usurious Loans Act (1918) —*See* Usurious Loans Act (1918), S. 2 (3) (b)

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—O. 34, R. 10 — Puisne mortgagee also a party in suit by prior mortgagor — Separate suit by puisne mortgagee—Part of claim in respect of interest not decreed — Plaintiff awarded costs proportionate to his success as between attorney and client—Puisne mortgagee held not entitled to costs incurred by him in previous suit in which he was made a party—*See* Civil P. C. (1908), S. 35 (July) 600C

—O. 34, R. 11—Scope and applicability — Suit by puisne mortgagee—Grant of interest — Principles — Appeal No. 82 of 1959, D/- 17-1-1962 (Cal.), **Reversed** — *See* Civil P. C. (1908), S. 34 (July) 600B

—O. 34, R. 11—Suit on mortgage — Calculation of interest from date of decree to date of realisation — There is no conflict between S. 17 and Civil P. C., O. 34, R. 11 — Interest should be awarded in accordance with O. 34, R. 11 — A I R 1959 Mys 102, **Reversed** — *See* Debt Laws — Mysore Money Lenders Act (13 of 1939), S. 17 (Aug) 671D

—O. 39, R. 2; O. 43, R. 1 and S. 151—Eviction order of Rent Controller obtained by defendant against plaintiff—Suit by plaintiff for permanent injunction restraining defendant from taking possession in execution of order—Application by plaintiff under O. 39, Rr. 1 and 2 and S. 151 for grant of temporary injunction — Trial Court dismissed application holding that no prima facie case had been made out and that liability to be ejected in execution of a valid order could not be said to be "injury" within O. 39, R. 2 — Order of dismissal is appealable under O. 43, R. 1 — Order cannot be said to have been passed under S. 151 inasmuch as for holding that O. 39, R. 2 did not apply the Court was not exercising its inherent powers — Civil Revn. No. 422 of 1968, D/- 22-5-1968 (Punj. & Har.), **Reversed** (Nov) 938

—O. 39, R. 9 — Writ petitions by private operators against order of R. T. A. granting permit to State Road Transport Corporation —*See* Motor Vehicles Act (1939), S. 48

(Apr) 329D

—O. 41, R. 1, O. 2 (2); Ss. 47, 96 — Determination of any question within S. 47 is a decree — Appellant can file appeal under S. 96—Appeal is incompetent unless memorandum thereof is accompanied by certified copy of judgment — AIR 1940 Pat 176, **Overruled** (July) 575A

Civil P. C. (contd.)

—O. 41, R. 1—Delay in filing appeal—Sufficient cause—Delay condoned under S. 5, Limitation Act (1963)—(1968) 70 Punj L R (D) 332, **Reversed**—*See* Limitation Act (1963), S. 5 (July) 575B

—O. 41, R. 27—Scope—Appeal before Supreme Court—Request for direction to produce certain register—Even if register is produced, oral evidence to prove that register and to meet inferences following from that register necessary—Held that in the circumstances request or summoning of that register could not be allowed (Jan) 101A

—O. 41, R. 27—Evidence—Land acquisition proceedings—Market value of land—Reference by appellate Court after conclusion of arguments to documents which are not part of record is not permissible—They should be admitted as fresh evidence and parties given opportunity to rebut them. AIR 1964 Madh Pra 196, **Reversed**—*See* Evidence Act (1872), S. 3 (Mar) 255B

—O. 41, R. 33—"Which ought to have been passed" means "which ought in law to have been passed"—Decree allowing claims of female heirs who had not appealed passed—S. A. No. 254 of 1962, D/- 18-11-1963 (Punj), **Reversed** (Dec) 1144B

—O. 41, R. 33; O. 42, R. 1, S. 107—Powers of appellate Court—Held, on facts that the High Court was not legally justified in giving further relief to the plaintiff by remanding the case with a direction that defendants should be asked to render account than that granted by the trial Court—S. A. Nos. 4940 and 3660 of 1961, D/- 27-4-1964 (All), **Reversed** (Dec) 1316B

—O. 42, R. 1—New plea—Plea as to invalidity of exchange of raiyati holding under S. 27, Sonthal Parganas Settlement Regulation raised at stage of arguments in second appeal—High Court held was bound to take notice of it and was not justified in refusing to entertain it—AIR 1964 Pat 254, **Reversed**—*See* Civil P. C. (1908), S. 100 (Mar) 204A

—O. 42, R. 1—Powers of appellate Court—Held, on facts that the High Court was not legally justified in giving further relief to plaintiff by remanding case with direction that defendants should be asked to render account than that granted by trial Court—S. As. Nos. 4940 and 3660 of 1961, D/- 27-4-1964 (All), **Reversed**—*See* Civil P. C. (1908), O. 41, R. 33 (Dec) 1316B

—O. 43, R. 1—Eviction order against plaintiff—Suit by plaintiff for permanent injunction restraining defendant from taking possession in execution of order—Application by plaintiff under O. 39, Rr. 1 and 2 and

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S. 151 for grant of temporary injunction—Trial Court dismissed application holding that no prima facie case had been made out and that liability to be ejected in execution of a valid order could not be said to be "injury" within O. 39, R. 2—Order of dismissal is appealable under O. 43, R. 1—Civil Revn. No. 422 of 1968, D/- 22-5-1968 (Punj. & Har.), **Reversed**—*See* Civil P. C. (1908), O. 39, R. 2 (Nov) 938

—O. 47, R. 1—Order granting permit not giving date of commencement—Later order giving such date, is not an order of review—*See* Motor Vehicles Act (1939), S. 48 (Apr) 329C

—O. 49, R. 3(5)—Contested suit—Privilege under, cannot be claimed—*See* Civil P. C. (1908), S. 33 (Dec) 1167

—*First Schedule, App. D, Form 5-A*—Puisne mortgagee party in prior mortgagee's suit—Claim of prior mortgagee satisfied by payments made by mortgagor before sale—Puisne mortgagee is entitled to institute separate suit in respect of his mortgage—He can ask for decree in Form 5-A of App. D in Sch. I of Civil P. C.—*See* Transfer of Property Act (1882), S. 67 (July) 600A

—*Sch. 7, List 1, Item 10*—Boundary dispute between two independent States—Treaty and arbitration award of International Tribunal—Implementation of—Powers of Executive and Parliament—Extent of—*See* Constitution of India, Art. 1(3) (Sep) 783C

—*Sch. 7, List 1, Item 14*—Boundary dispute between two independent States—Treaty and arbitration award of International Tribunal—Implementation of—Powers of Executive and Parliament—Extent of—Jurisdiction of municipal Courts—Cession of Indian Territory cannot be made without amendment of the Constitution—Indo-Pakistan Western Boundary Case Tribunal award regarding Rann of Kutch—Held, could be implemented by Government of India without any constitutional amendment—*See* Constitution of India, Art. 1(3) (Sep) 783C

CIVIL SERVICES

—**Indian Police Service (Appointment by Promotion) Regulation (1955), Regn. 5**—Pre-existing Draft Rules for preparation of select list, R. 2—List of Police Service Officers 'fit for trial to promotion posts' purporting to be made under draft R. 2, held could not be deemed to be select list within meaning of either Draft R. 2 or Promotion Regn. 5—I L R (1967) Cut 735, **Reversed**—*See* Civil Services—Indian Police Service (Regulation of Seniority) Rules (1954), R. 3(3)(b) (Dec) 1249A

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—Indian Police Service (Regulation of Seniority) Rules (1954), R. 3(3)(b), *Second Proviso*

—Indian Police Service (Appointment by Promotion) Regulation (1955), Regn. 5 — Pre-existing Draft Rules for preparation of select list, R. 2 — Lists of Police Service Officers 'fit for trial to promotion posts' purporting to be made under Draft R. 2, held could not be deemed to be 'select lists' within meaning of either Draft R. 2 or Promotion Regn. 5—ILR (1967) Cut 735, **Reversed**

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—R. 3(3)(b), *Second Proviso and Explan. 1*—

Scope—Object of second proviso and Explanation 1—Officer appointed by promotion—

Fixation of seniority and year of allotment

—Period of officiation prior to inclusion of officer in select list — Period could only be counted, if approved by Central Government in consultation with commission —

Approval to be recorded only after appointment to I. P. S. and not before—I L R (1967) Cut 735, **Reversed**

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—R. 3(3)(b), *Provisos*—Petitioner governed by second proviso — There can be no question of discrimination in consideration of seniority—I L R (1967) Cut 735, **Reversed** —

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—Punjab Police Rules (1934), Chap. XVI

R. 28 — Summary inquiry against Assistant Sub-Inspector of Police—Order of censure

—Order set aside under R. 28 and departmental inquiry ordered — Procedure prescribed under R. 38 has to be followed — See

Civil Services—Punjab Police Rules (1934), Chap. XVI, R. 38

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—Chap. XVI, Rules 38 and 28 — Complaint against Assistant Sub-Inspector of Police for receiving illegal gratification — Superintendent of Police (City) making summary inquiry and passing an order of censure —

Deputy Inspector-General, under Rule 28, setting aside the order and ordering to deal

the matter departmentally — Superintendent of Police (Central District), to whom inquiry

was entrusted, asking for the sanction of District Magistrate to proceed departmentally — District Magistrate not informed of

the previous order of Superintendent of Police (City) and its setting aside by Deputy Inspector-General—District Magistrate

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action taken against the Assistant Sub-Inspector is invalid as there has been no

substantial compliance with the provisions of R. 38

(Dec) 1108

—Railway Establishment Code R. 157—Rail-

way Board can make rules with retrospec-

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tive effect — See Constitution of India, Art. 309, Proviso (Jan) 118A

—R. 157—Cancellation or amendment of approved panels of selected candidates —

General direction by Railway-Board, D/-

4-8-1953 that panels once approved should not be cancelled or amended without refer-

ence to authority next above the one that approved the panel — General Manager,

Northern Railway who had approved a particular panel of selected candidates has

power to amend the panel subsequently with the approval of Railway Board who

was the authority next above him

(Mar) 212A

Coal Bearing Areas (Acquisition and Develop-

ment) Act (20 of 1957), Ss. 4, 5, 7—Notifica-

tion under S. 4(1)—Effect—Lessee to whom mining lease in the areas is granted has to

halt his operations in notified area till action was taken under S. 7 or till period pre-

scribed in that section came to an end — Writ petition challenging notification under

S. 4 even if filed before notification under S. 7 was issued is not premature (Jan) 125B

—S. 5—Issue of Notification under S. 4(1)

—In view of S. 5 mining lease granted ceases to have effect for so long as Notification is

in force — See Coal Bearing Areas (Acquisition and Development) Act (1957), S. 4

(Jan) 125B

—S. 7—Writ petition challenging notification under S. 4 even if filed before notification

under S. 7 was issued is not premature — See Coal Bearing Areas (Acquisition and

Development) Act (1957) S. 4 (Jan) 125B

Colliery Control Order (1945), Cl. 4 — Agreement between State and assessee acting as

an agent of coal company to sell coal—Coal supplied by assessee — Price fixed under

Colliery Control Order — Transaction held one of sale of goods within meaning of

Rajasthan Sales Tax Act. ILR (1965) 15 Raj 603, **Reversed** — See Sales Tax — Rajasthan

Sales Tax Act (29 of 1954), S. 3 (May) 343A

Commissions of Inquiry Act (60 of 1952), S. 3—Object of enquiry to take appropriate

legislative and administrative measures to maintain purity and integrity of political

administration—It is valid exercise of power

(Mar) 215A

—S. 3 — Appointment of Commission not due merely to political rivalry but impelled

by desire to set up and maintain High standard of moral conduct in political

administration — Appointment of Commission is not illegal or ultra vires and mala fide

(Mar) 215B

Commissions of Inquiry Act (contd.)

—S. 3 — Appointment of Commission of Inquiry under Commissions of Inquiry Act, during pendency of civil litigation, when amounts to contempt of Court — Inquiry cannot be said to be judicial — Commission cannot commit contempt, being statutory commission. *See Contempt of Courts Act (1952)*, S. 1 (Mar) 215C

—S. 3 — Commission can be appointed to look into conduct of former ministers (Apr) 258B

—S. 3 — Appointment of commission of inquiry to enquire into conduct of ex-ministers — Request to Supreme Court, in special appeal against decision of High Court holding appointment of Inquiry Commission legal, to summon relevant files so that falsity of the charges might be established — Request not acceded on ground that once it was held by Supreme Court that inquiry was legal, the truth or otherwise of the allegations was for the commission's consideration — *See Constitution of India*, Art. 136 (Apr) 258C

—S. 3 — Charges against ex-ministers specific and records rather than oral testimony to be used to establish them — Affidavit making out sufficient case for inquiry — Each charge referring in detail to events with dates and names of persons concerned — Charges, held, such that inquiry could be ordered (Apr) 258D

—S. 3 — Commission directed to inquire into conduct of certain named persons who were ministers in the outgoing ministry — Commission also directed by Cl. (d) of notification to inquire whether any other person, besides the named individuals, whether as member of Council of Ministers or otherwise, made illegal gains during the period — Later on, Cl. (d) deleted — Deletion challenged on ground that it was deleted for fear that it might recoil on persons who started the inquiry — Held that it was unlikely that the Commission would overlook evidence which pointed to corruption or malpractice in others. Even if no direct finding was given there would be ample reference to these matters in the report, in spite of the deletion of the clause (Apr) 258E

—S. 3 — Appointment of Commission to inquire into conduct of ministers of outgoing ministry challenged before Supreme Court as being mala fide — Held that question of mala fide could only be decided if it could be held that charges were false — Whether they led to the conclusion that the inquiry was justified or it was malicious could not be said when there were only

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allegations and recriminations but no evidence — If the charges had been made maliciously or falsely, the Commission would say so, where necessary — Supreme Court could not anticipate the inquiry and hold one themselves (Apr) 258F

Companies Act (1 of 1956), Ss. 2 (18) and 617 — Industrial Disputes Act (1947), S. 2 (j) — Company — Shares held by Union Government, State Government and private individuals — Union Government being largest share-holder nominating Company's directors — Held, that the Company being registered under the Companies Act and governed by the provisions of that Act, it was a separate legal entity and could not be said to be either a Government Corporation or an industry run by or under the authority of the Union Government (Dec) 1306B

—S. 34 — Lifting veil of corporate entity — Doctrine of — Can be applied by Court when conception of corporate entity is used for evasion of tax or for perpetrating fraud (Nov) 932A

—S. 78 (1) and (3) — Share premium account in reserves — Account identifiable as separate account within reserves — Account liable to be included in paid up capital in computing reduction in rebate of super tax. *See Finance Acts (1956 and 1957)*, Explanation to Para. D, Part II (Nov) 1058

—S. 205 — Computation of gross profits and deduction of depreciation for calculating available surplus under Bonus Act and that under Companies Act for distribution of dividend — Distinction between pointed out — *See Payment of Bonus Act (1965)*, S. 2 (18) (Aug) 612A

—S. 211 — Interest on capital reserve — Allowance for — Transfer of increased value of assets on revaluation to capital reserve accounts — Interest thereon allowed to be deducted from gross profits. *See Payment of Bonus Act (1965)*, S. 6 (d) : (Aug) 612E

—Ss 235 to 237 — Investigation into affairs of Company — Power of Central Government under S. 235 as well as under S. 237 (b) is discretionary — But under S. 237 (a) Government is bound to appoint inspector for investigation if the Company by special resolution or the Court by order declares that affairs of Company ought to be investigated — Action under S. 235 can be taken provided certain pre-conditions including those mentioned in S. 236 are fulfilled — Such investigation is a serious matter and should not be ordered except on good or satisfactory grounds — Order for investigation is liable to be struck down if on

Companies Act (contd.)

material before it no reasonable authority would have acted (Aug) 707A

—S. 236 — Action under S. 235 can be taken provided certain preconditions including those mentioned in S. 236 are fulfilled — Such investigation is a serious matter and should not be ordered except on good or satisfactory grounds — Order for investigation is liable to be struck down if on material before it no reasonable authority would have acted. *See* Companies Act (1956), S. 235 (Aug) 707A

—S. 237 — Under S. 237 (a) Government is bound to appoint inspector for investigation if the company by special resolution or the Court by order declares that affairs of company ought to be investigated. *See* Companies Act (1956), S. 235 (Aug) 707A

—S. 237 (b) — Scope and interpretation — "If in the opinion of the Central Government there are circumstances suggesting" — Existence of circumstances mentioned in S. 237 (b) is condition precedent to formation of opinion by Government — Existence of circumstances but not the opinion formed thereon is open to judicial review — Held on facts that opinion formed by Government under S. 237 (b) was not in accordance with law and the order for investigation must be set aside. 1967 BLJR 537, Reversed — View taken by Sarkar C. J. and Mudholkar, J. in AIR 1967 S C 295, Not approved (Aug) 707B

—S. 366 — Compensation for termination of managing agency — Claim for allowance under S. 10 (2) (xv) of Income-tax Act (1922) by assessee Company — Burden of proof lay upon company to prove that expenditure was incurred wholly and exclusively for business of the Company — Absence of reliable evidence to prove that managing agency was rendering any service — Removal of managing agency, not connected with business — Expenditure in paying compensation held could not be said to be made wholly and exclusively in the interest of the business of the Company — *See* Income-tax Act (1922), S. 10 (2) (xv) (Oct) 917B

—Ss. 498, 509 and 527 — Property of dissolved company — Shareholders or creditors of the dissolved company cannot maintain any action for recovery of its assets — Difference in American law and Indian law stated (Oct) 843D

—S. 509 — Property of dissolved company — Shareholders or creditors of the dissolved company cannot maintain any action for recovery of its assets — Difference in American law and Indian law stated. *See* Companies Act (1956), S. 498 (Oct) 843D

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—S. 527 — Property of dissolved company — Shareholders or creditors of the dissolved company cannot maintain any action for recovery of its assets — Difference in American law and Indian law stated — *See* Companies Act (1956), S. 498 (Oct) 843D

—S. 617 — Company — Shares held by Union Government, State Government and private individuals — Union Government being largest share-holder nominating Company's director — Held, that the Company being registered under the Companies Act and governed by the provisions of that Act, it was a separate legal entity and could not be said to be either a Government, Corporation or an industry run by or under the authority of the Union Government — *See* Companies Act (1956), S. 2 (18) (Dec) 1306B

—Sch. VI — Accrued liability though not actually paid is permissible deduction under Income-tax Act and Wealth Tax Act — *See* Payment of Bonus Act (1965), S. 4 (Aug) 612D

—Sch. VI — Interest on capital reserve — Allowance for — Transfer of increased value of assets on revaluation to capital reserve accounts — Interest thereon allowed to be deducted from gross profits — *See* Payment of Bonus Act (1965), S. 6 (d) (Aug) 612E

—Sch. VI, Part III, Cl. 7 (1) — Provision and Reserve — Distinction between pointed out (Aug) 612G

Conduct of Election and Election Petition Rules (1951), R. 58 — Election petition — Pleas — Contention about wrong refusal of demand of general recount — Absence of plea in this regard — Mention of general recount only in relief clause of petition — Held under the circumstances, that there was no room for further count — *See* Representation of the People Act (1951), S. 116A (July) 586B

—R. 64 — Election petition — Pleas — Contention about wrong refusal of demand of general recount — Absence of plea in this regard — Mention of general recount only in relief clause of petition — Held under the circumstances, that there was no room for further count — *See* Representation of the People Act (1951), S. 116A (July) 586B

Constitution of India, Preamble — Interpretation of Constitution — Clear and unambiguous expressions — They must be given their full and unrestricted meaning, unless hedged-in, by any limitations (Jan) 115B

—Pre. and Arts. 31, 31-A and 246, Sch. 7, List I entry 33 and List II, entry 36 and List III, entry 42 (prior to 7th Amendment of Constitution) — Interpretation of legislative lists — Implied restrictions cannot be imported into legislative heads when expressly provided in body

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of Constitution — Expressions 'acquisition of property' and "subject to the provisions of entry 42 of List III" in entry 36 of List II — Interpretation of (Jun) 453B

— *Arts. 1 (3), 3, 51, 73, 253 and Sch. 7, List I, Items 10, 14 and 15* — Scope — Boundary dispute between two independent States — Treaty and arbitration award of International Tribunal — Implementation of — Powers of Executive and Parliament — Extent of — Jurisdiction of municipal Courts — Cession of Indian Territory cannot be made without amendment of the Constitution — Indo-Pakistan Western Boundary Case Tribunal Award regarding Rann of Kutch — Held could be implemented by Government of India without any constitutional amendment (Sep) 783C

— *Art. 3* — Scope — Boundary dispute between two independent States — Treaty and arbitration award of International Tribunal — Implementation of — Powers of Executive and Parliament — Extent of — Jurisdiction of Municipal Courts — Cession of Indian territory cannot be made without amendment of the Constitution — Indo-Pakistan Western Boundary Case Tribunal Award regarding Rann of Kutch — Held could be implemented by Government of India without any constitutional amendment — See Constitution of India, Art. 1 (3) (Sep) 783C

— *Art. 5* — Municipal Committee is not "citizen" — See Constitution of India, Art. 19 (Nov) 1100D

— *Art. 5* — Acquisition of foreign citizenship by Indian citizen prior to Constitution — He cannot claim citizenship of India by virtue of Arts. 5 and 6 or 8 — See Constitution of India, Art. 9 (Dec) 1234B

— *Art. 6* — Acquisition of foreign citizenship by Indian citizen prior to Constitution — He cannot claim citizenship of India by virtue of Arts. 5 and 6 or 8 — See Constitution of India, Art. 9 (Dec) 1234B

— *Art. 8* — Acquisition of foreign citizenship by Indian citizen prior to Constitution — He cannot claim citizenship of India by virtue of Arts. 5 and 6 or 8 — See Constitution of India, Art. 9 (Dec) 1234B

— *Arts. 9, 5, 6 and 8* — Article 9 deals with cases where citizenship of foreign State had been acquired by Indian citizen prior to Constitution and means that he cannot claim citizenship of India by virtue of Articles 5 and 6 or 8 (Dec) 1234B

— *Art. 11* — Citizenship Act (1955) has been enacted under powers of Parliament preserved by Art. 11 — See Citizenship Act (1955), S. 9 (Dec) 1234A

— *Art. 12* — See Constitution of India, Article 31 (2) and (5) (b) (ii) (Aug) 634B

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— *Arts. 13 and 14* — Executive instructions — Statutory provisions must prevail over executive instructions (Jan) 33B

— *Art. 13* — S. 4 read with Schedule of Kerala Buildings Tax Act is violative of equality clause of the Constitution and is ultra vires — See Kerala Buildings Tax Act (19 of 1961), S. 4 (May) 378

— *Arts. 13, 246, 226, 32, Sch. 7, List 2, Entry 28* — Statute cannot be declared invalid on ground that it violates the due process of law or is vague — Punjab State Legislature is competent to enact Punjab Cattle Fairs (Regulation) Act (6 of 1968) by virtue of Entry 28 of List 2 of 7th Schedule — Effect of decision in AIR 1968 Punj 391 is to make the Act as non-existent in law — Act amended in view of the decision — Decision does not operate as res judicata in favour of person who was petitioner in the case — Expression "cattle fair" — Meaning — AIR 1968 Punj 391, **Overruled** (Nov) 1100A

— *Arts. 13, 14, 19, 31* — Punjab Cattle Fairs (Regulation) Act (6 of 1968), Pre., Ss. 3, 4 — Act is constitutionally valid and does not violate Arts. 19 and 31 — Restrictions imposed held to be reasonable (Nov) 1100B

— *Art. 14* — Executive instructions — Statutory provisions must prevail over executive instructions — See Constitution of India, Article 13 (Jan) 33B

— *Art. 14* — Power to tax lands and buildings — Cannot be used arbitrarily and in a manner inconsistent with fundamental rights — See Kerala Buildings Tax Act (19 of 1961), S. 4 (May) 378

— *Arts. 14, 246, 246, 254 and Sch. 7, List III, item 42* — Power of State Legislature to validate retrospectively acquisitions of land offending Art. 14 — (Bangalore Acquisition of Lands (Validation) Act, (Mys. Act 19 of 1963), S. 1 — Constitutionality — Legislature had power to validate past acquisitions by getting over discriminations caused by two existing procedures — A I R 1962 Mys 218, **Reversed** on basis of subsequent event (Jun) 477B

— *Art. 14* — Bombay Town Planning Act (27 of 1955), Ss. 53 and 67 — Do not infringe Article 14 (Aug) 634C

— *Art. 14* — False statement in verification of Income Tax return — Choice of prosecution either under S. 52, Income-tax Act (1922) or under S. 177, Penal Code is not violative of Article (Aug) 701F

— *Art. 14* — Method of advance purchase contracts by private negotiation in preference to open competition adopted by Government — Action of Government held was violative of Arts. 14 and 19 — AIR 1968 Orissa 189, **Reversed** — See Orissa Kendu

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Leaves (Control of Trade) Act (28 of 1961), S. 10 (Nov) 1081A

—*Art. 14*—Legislative discretion in matter of classification—Taxing statute—It cannot be struck down as violative of Article 14 merely because other objects could have been, but are not, taxed by Legislature (Nov) 1094A

—*Art. 14*—S. 3 of Expenditure Tax Act (1957) does not violate Art. 14—*See* Expenditure Tax Act (1957), S. 3 (Nov) 1094B

—*Arts. 14, 19 (1) (f)*—Displaced Persons (Compensation and Rehabilitation) Act (1954), S. 20B—Section whether unconstitutional being ultra vires Arts. 14 and 19 (1) (f) (Quaere) (Dec) 1126A

—*Art. 14*—Indian Police Service (Regulation of Seniority) Rules (1954), R. 3 (3) (b) provisos—Petitioner governed by second proviso—His case cannot have any relationship to the case of officer appointed after the coming into force of Seniority Rules and governed by first proviso—There can be no question of discrimination in consideration of seniority. ILR (1967) Cut 735, Reversed (Dec) 1249C

—*Art. 14*—Domestic enquiry—Discrimination—Strike by workers—Management dismissing three workers for misconduct by incitement, intimidation and riotous and disorderly behaviour considering them as 'very grave in nature'—Held on facts that once a misconduct graver than that of rest of the employees, was found proved against those workers and they having been found to be leaders of crowd, action taken against them could not on any principle be regarded as discriminatory or unequal—*See* Industrial Disputes Act (1947), Sch. 2 item 6 (Dec) 1280D

—*Art. 16 (1)*—Equality of opportunity in matters of employment—Means equality as between members of the same class of employees and not equality between members of separate, independent classes (Mar) 212B

—*Art. 16*—Reservation of appointments for "backward classes"—Determination of backward classes cannot be on basis of community, caste, race or religion—State policy of distribution of posts community-wise is hit by Art. 16 (1) and (4) (Jan) 1

—*Art. 19*—Method of advance purchase contracts by private negotiation in preference to open competition adopted by Government—Action of Government held was violative of Arts. 14 and 19. AIR 1965 Ori 159, Reversed—*See* Orissa Kendu Leaves (Control of Trade) Act (28 of 1961), S. 10 (Nov) 1081A

—*Art. 19*—Punjab Cattle Fairs (Regulation) Act (2 of 1955) is constitutionally

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—*Arts. 19, 5*—Municipal Committee is not "citizen" within Art. 19 and is not entitled to claim any of the fundamental rights thereunder (Nov) 1100D

—*Art. 19 (1)*—General Manager issuing direction prohibiting railway employees from holding meeting within railway premises including open grounds forming part of those premises—No violation of Art. 19 (1) (Nov) 966D

—*Arts. 19 (1) (f) and (5) and 31 (2)*—Law for compulsory acquisition of property—Cannot be challenged under Art. 19 (1) (f) and (5)—Bombay Town Planning Act (27 of 1955), Ss. 67 and 71—Fixation of compensation according to scheme of S. 67 cannot be challenged as being unreasonable (Aug) 634F

—*Art. 19 (1) (f)*—S. 20B, Displaced Persons (Compensation and Rehabilitation) Act (1954) whether unconstitutional being ultra vires Arts. 14 and 19 (1) (f) (Quaere)—*See* Constitution of India, Art. 14 (Dec) 1126A

—*Art. 20 (2)*—Principle of issue estoppel—It is different from principle of double jeopardy—*See* Criminal P. C. (1898), S. 403 (Nov) 961A

—*Art. 21*—Loss of Indian citizenship with consequent deportation—Suit instituted prior to commencement of Citizenship Act—By applying S. 9 of the Act and R. 30 of the Rules, there would be no violation of Art. 21—*See* Citizenship Act (1955), S. 9 (Dec) 1231A

—*Art. 22*—*See also* Public Safety—Preventive Detention Act (1950)

—*Art. 22 (5)*—Communication of grounds for detention, should be at earliest opportunity—Grounds numerous—Oral explanation, not enough communication—*See* Public Safety—Preventive Detention Act (4 of 1950), S. 3 (1) (a) (ii) (Jan) 43A

—*Arts. 22 and 32*—Scope—Compliance with provisions of Art. 22 is mandatory—Person detained in jail in violation of Article 22 (1) would be entitled to writ of Habeas Corpus directing his release (Nov) 1014A

—*Arts. 22 (1) and 32*—Non-compliance with Art. 22 (1) inasmuch as no reasons were given for arrest of petitioner—Return also not furnishing any information—Circumstances not such that petitioner must have known the general nature of the alleged offences—Detention held illegal even on the date of return (Nov) 1014C

—*Art. 22 (1), 32*—Arrest of petitioner illegal—Magistrate ordering remand to jail custody—State must show that at the stage of remand, the Magistrate directed detention

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—*Art. 22 (5)*—Scope — Representation by detenu — Government must consider it immediately even if reference to Advisory Board is to be made—Procedural provisions of Art. 22 are mandatory and even if one of them is not complied with, order would be illegal (Nov) 1028

—*Arts. 29 (1) and 30 (1)*—Scope—Protection under Art. 30 (1) cannot be cut down by considerations on which Art. 29 (1) is based (June) 465

—*Art. 30 (1)* — Scope — Protection under Art. 30 (1) cannot be cut down by considerations on which Art. 29 (1) is based — See Constitution of India, Art. 29 (1) (June) 465

—*Art. 31* — Expressions 'acquisition of property' and "subject to the provisions of entry 42 of List III" in entry 36 of List II—Interpretation of—See Constitution of India, Preamble (June) 453B

—*Art. 31*—As amended by Constitution (Fourth Amendment) Act, 1955 — Scope of Cls. (1), (2) and (2A) of Art. 31 — Principles for determining validity of law regarding compulsory acquisition or requisition of property (Aug) 634A

—*Art. 31* — Punjab Cattle Fairs (Regulation) Act (6 of 1968) is constitutionally valid and does not violate Art. 31 — See Constitution of India, Art. 13 (Nov) 1100B

—*Art. 31 (2)* — Constitutional validity of Mysore Act (1 of 1955)—Act cannot be challenged on ground of violation of Art. 31 (2) as it falls within protection of Art. 31-A—See Tenancy Laws—Mysore (Personal and Miscellaneous) Inams Abolition Act (1 of 1955), S. 1 (Jun) 453A

—*Art. 31 (2) and (5) (b) (iii) and Art. 12* — Bombay Town Planning Act (27 of 1955), Ss. 53 and 67—Validity — It is law for acquisition of lands for public purpose — Provisions do not infringe Art. 31 (2) of Constitution and do not fall within exception in Art. 31 (5) (b) (ii) — Principle for determining compensation laid down in Act cannot be challenged on ground that it is not just compensation—AIR 1967 SC 637, **Overruled** and Spl. Civil Appln. No. 837 of 1960, D/- 24-1-1968 (Guj), **Reversed** (Aug) 634B

—*Art. 31 (2)*—Compensation—Meaning of —It need not be in terms of money alone but may be by allotment of other property (Aug) 634E

—*Art. 31 (2)*—Law for compulsory acquisition of property — Cannot be challenged under Art. 19 (1) (f) and (5)—See Constitution of India, Art. 19 (1) (f) and (5) (Aug) 634F

—*Art. 31 (2)*—Specification of principles for determining amount of compensation —

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—*Art. 31 (2)*—As amended by Constitution (Fourth Amendment) Act, 1955 — Effect — Principle for determination of compensation or adequacy of compensation is not justifiable (Aug) 634K

—*Art. 31 (2)* — Displaced Persons (Compensation and Rehabilitation) Act (1954), S. 20B—Section is ultra vires Art. 31 (2) — L. P. A. No. 37 of 1967, D/- 3-5-1967 (P & H), **Reversed** (Dec) 1126B

—*Art. 31 (5) (a)* — Bombay Tenancy and Agricultural Lands Act (67 of 1948), S. 82 — Rules under Rule 35 — Taking over management of property under latter part of S. 65 (1) — Absence of definite time limit under R. 35 for such taking over — Latter part of S. 65 (1) is ultra vires Art. 31A (1) (b). ILR (1966) Guj 1113, **Reversed** — See Constitution of India, Art. 31A (1) (b) (Feb) 168C

—*Art. 31-A* — Constitutional validity of Mysore Act (1 of 1955)—Act cannot be challenged on ground of violation of Art. 31 (2) as it falls within protection of Art. 31-A — See Tenancy Laws — Mysore (Personal and Miscellaneous) Inams Abolition Act (1 of 1955), S. 1 (Jun) 453A

—*Art. 31-A* — Expressions 'acquisition of property' and "subject to the provisions of entry 42 of List III" in entry 36 of List II — Interpretation of—See Constitution of India, Preamble (Jun) 453B

—*Art. 31A (1) (a)* — Bombay Tenancy and Agricultural Lands Act (67 of 1948), S. 65 (1) (as amended by S. 35 of Bombay Act 13 of 1956) and S. 61—Taking over property by State under latter part of S. 65 (1)—Does not amount to acquisition or extinguishment or modification of rights under Art. 31A (1) (a) — Latter part of S. 65 (1) cannot claim protection under Art. 31A (1) (a). ILR (1966) Guj 1113, **Reversed** (Feb) 168B

—*Arts. 31-A (1) (b) and 31 (5) (a)* — Bombay Tenancy and Agricultural Lands Act (67 of 1948), S. 65 (1) (as amended by Bombay Act 13 of 1956), Ss. 61, 82 — Rules under S. 82, R. 35—Taking over management of property under latter part of S. 65 (1) — Absence of definite time limit under R. 35 for such taking over—Latter part of S. 65 (1) is ultra vires Art. 31-A (1) (b). ILR (1966) Guj 1113, **Reversed** (Feb) 168C

—*Art. 31-B, Ninth Schedule* — Bombay Tenancy and Agricultural Lands Act (67 of 1948), S. 65 (1) (as amended by S. 35 of Bombay Act 13 of 1956), S. 44 and Preamble—Inclusion of Bombay Act (67 of 1948) under Ninth Schedule—Protection under Art. 31B is avail-

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—*Art. 107* — Introduction and amendment of bill—Distinction pointed out — *See* Constitution of India, Art. 304 (b), Proviso

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—*Art. 109* — Prohibition under Art. 109 relates to introduction of bill in the Legislature—There is no reference at any stage to a bill being moved in a house—*See* Constitution of India, Art. 304 (b), Proviso

(June) 504B

—*Art. 114* — Prohibition under Art. 114 relates to introduction of bill in the Legislature—There is no reference at any stage to a bill being moved in a house — *See* Constitution of India, Art. 304 (b), Proviso

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—*Art. 117* — Prohibition under Art. 117 relates to introduction of bill in the Legislature—There is no reference at any stage to a bill being moved in a house—*See* Constitution of India, Art. 304 (b), Proviso

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—*Art. 133*—Pleadings—Pleadings on certain point vague but all facts necessary for determination of point were before Court — Point was fully argued before High Court without any objection and was also decided by High Court—Objection cannot be taken to consideration of point in appeal by Supreme Court

(Jan) 125C

—*Art. 133* — New plea — Plea not raised before High Court taken before Supreme Court—Supreme Court, while remitting the case back to High Court for deciding the issues that were left open by the High Court directing High Court to consider the new plea

(Mar) 239D

—*Art. 133* — Costs in Supreme Court Appeals — Appeal against judgment of High Court in second appeal arising from suit for declaration and mandatory injunction — Appellant not pressing part of his claim — Appellant granted half costs in Supreme Court — Parties directed to bear their own costs in High Court — *See* Civil P. C. (1908), S. 35

(June) 493B

—*Art. 133* — New plea — Suit for accounts on basis of certain agreements—Concurrent findings of Courts below that agreement was vitiated by fraud — Fiduciary obligation to inform plaintiff of true state of affairs not discharged by defendant — No suggestion made in High Court that plaintiff had means of discovering the truth with ordinary diligence — On appeal under Article 133 held that it was too late for defendant to raise contention under S. 19 of Contract Act

(July) 552A

—*Art. 133 (1) (a)*—Appeal under—Supreme Court does not examine contentions which

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have not been examined by appellate Court

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—*Art. 136* — Prosecution under S. 120-B, Penal Code and S. 9 (a) of Opium Act—Finding as to conscious possession of opium — No legal error or infirmity — No interference in appeal by special leave

(Jan) 4A

—*Art. 136* — Appointment of Commission of Inquiry to enquire into conduct of ex-ministers — Request to Supreme Court, in special appeal against decision of High Court holding appointment of Inquiry Commission legal, to summon relevant files so that falsity of the charges might be established—Request not acceded to on ground that once it was held by the S. C. that inquiry was legal, the truth or otherwise of the allegations was for the commission's consideration (Apr) 258C

—*Art. 136* — New point — Point not taken in High Court — Point not allowed to be raised by Supreme Court as on facts, it would have caused grave miscarriage of justice

(Apr) 316B

—*Art. 136* — Appeal to Supreme Court — Finding of fact and appreciation of evidence — Practice—Supreme Court should be slow to depart from the conclusion of the trial Judge—*See* Representation of the People Act (1951), S. 116A

(May) 395B

—*Art. 136*—New plea — Plea that acquisition by Improvement Trust is not a public purpose not raised before High Court — Plea cannot be allowed

(June) 477C

—*Art. 136* — Scope — Discretionary jurisdiction of Supreme Court — Exercise of — Modification of certified Standing Orders under Industrial Employment (Standing Orders) Act — Question as to fairness and reasonableness of modifications has been left by Legislature to the authorities empowered under the Act — Supreme Court would not be justified in interfering with conclusions of authorities under the Act unless an important principle of industrial law requiring elucidation is involved — (Industrial Employment (Standing Orders) Act (20 of 1946), Ss. 4, 6 and 10) (July) 513F

—*Art. 136*—Modification of standing order requiring giving of reasons in cases of discharge of workman simpliciter — Modification is fair and reasonable and should not be interfered with under Art. 136 — *See* Industrial Employment (Standing Orders) Act (20 of 1946), S. 4

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—*Art. 136*—Modification of standing order requiring the giving of second show cause notice at stage of imposing punishment of removal cannot be considered as fair or reasonable and should be set aside under Art. 136 — To import such a requirement

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from Art. 311 in industrial matters is neither necessary nor proper and would be equating industrial employees with civil servants — See Industrial Employment (Standing Orders) Act (20 of 1946), S. 4 (July) 513H

— *Art. 136* — Final conclusion of the question about admissibility of an allowance is one of law — See Income-tax Act (1922), S. 10 (2) (xv) and (x) (Aug) 609

— *Art. 136* — Appreciation of evidence — Complaint under S. 41 of Railways Act by a company provided with assisted siding — Question of revision of hauling charges is a question of fact — Cannot be disturbed in appeal under Art. 136 (Aug) 630A

— *Arts. 136, 32 and 226* — Arrest and detention of manager for tax due by Hindu undivided family — Two petitions by Manager under Art. 226 — High Court taking somewhat technical view in declining to allow contention of Manager that he was not so liable and about *res judicata* — Supreme Court in appeal by special leave interfered — (Income-tax Act (1961), S. 222) — (Civil P. C. (1908), S. 11) (Aug) 682B

— *Art. 136* — Indo-Pakistan Western Boundary Dispute — Award of Arbitral Tribunal D/- 19.2.1968 — Award granting certain areas in Rann of Kutch to Pakistan — Writ Petitions seeking to restrain Government of India from implementing award without constitutional amendment or law of Parliament — Supreme Court is not sitting in appeal over award of Tribunal — See Constitution of India, Art. 32 (Sep) 783D

— *Art. 136* — Sale of immovable property of company to recover dues — Amount recovered more than what was due — Collector selling afterwards movable property of company at low price — Company not raising contention in that regard before Land Reforms Commissioner and not arguing before High Court — Supreme Court, held, could not investigate reasons for the sale in appeal before it — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act, 1950 (1 of 1951), S. 286 (Oct) 897B

— *Art. 136* — Accused convicted for murder on basis of dying declaration of victim and evidence of witnesses and sentenced to death — Death sentence confirmed on appeal by High Court — Concurrent findings of fact — Case held not fit for interference by Supreme Court — Sentence of imprisonment for life held appropriate in circumstances of case as intention to murder was lacking (Nov) 951B

— *Art. 136* — Finding of fact — Supreme Court will not go behind it except on grounds such as perversity or unreasonableness of finding (Nov) 992A

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— *Arts. 136 and 311 (1)* — Declaratory suit by S. I. Police challenging his removal by D. I. G. — Contentions of breach of Art. 311 (1) on ground that he was appointed by I. G. Police — Finding of Court that he had been appointed by D. I. G. Police — That being a finding of fact is binding on Supreme Court in appeal under Art. 136 : (Nov) 1020B

— *Art. 136* — Concurrent finding of fact is binding on Supreme Court (Nov) 1076A

— *Art. 136* — New plea — Point not raised before High Court cannot be allowed to be raised before Supreme Court (Dec) 1126C

— *Art. 136* — Finding of fact — Departmental enquiry — Dismissal of workman for misconduct by incitement and disorderly behaviour — Finding neither perverse nor such as no reasonable body of persons could come to on evidence on record — Labour Court, on evidence on record holding that the workers' association had failed to prove its case that the management had agreed not to take action against any workman in connection with strike and that in fact the management did not impose any penalty against any workman for joining strike — Finding purely one of fact — Cogent reasons given by Labour Court — No interference (Dec) 1280C

— *Art. 136* — Concurrent findings of fact — Eviction suit — Concurrent findings of lower Courts that premises were taken for residential-cum-business purposes — Finding being one of fact must be accepted as final — (Houses and Rents — Delhi Rent Control Act (59 of 1958), S. 14 (1) (h)) (Dec) 1288C

— *Art. 136* — New point before Supreme Court — Question of limitation — Plea that application under S. 33C (2), Industrial Disputes Act was barred by limitation — Question raises a plea of want of jurisdiction — Question being a pure question of law which could be decided on the basis of facts on record in the case, the Supreme Court permitted it to be raised before it even though it was not put forward either in the High Court or before the Labour Court (Dec) 1335A

— *Art. 136* — Relief against forfeiture of tenancy for non-payment of rent — Discretion used in favour of tenants by lower appellate Courts — Ordinarily Supreme Court will not interfere with the order — See Transfer of Property Act (1882), S. 114 (Dec) 1349B

— *Art. 136* — Concurrent findings of Courts below that the will was executed when the testator was in sound and disposing state of mind — In appeal with special leave Supreme Court does not ordinarily allow question about due execution of will to be canvassed

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unless there are exceptional circumstances—Held, that there was no exceptional circumstances which would justify departure from the rule (Dec) 1355A

—*Art. 153*—Governor can continue to hold office beyond period of five years till successor enters office — *See* Constitution of India, Art. 156 (3) (Apr) 258A

—*Arts. 156 (3), 153, 160* — Governor can continue to hold office beyond period of five years till successor enters office (Apr) 258A

—*Art. 160*—Governor can continue to hold office beyond period of five years till successor enters office — *See* Constitution of India, Art. 156 (3) (Apr) 258A

—*Art. 173 (a)* — Representation of the People Act (1951), S. 36 (2) (a)—Oath or affirmation must be before the date of scrutiny — AIR 1968 Mys 18, **Reversed** (Nov) 1034B

—*Art. 173 (a)*—Notification issued by Election Commission — Affirmation must be made before Returning Officer of that constituency for which candidate is seeking election to Legislature of State whether it be an Assembly Constituency or a Council Constituency—AIR 1968 Mys 18, **Reversed** on another point (Nov) 1034C

—*Art. 173 (a)* — Affirmation made in respect of one constituency—Candidate nominated from more than one constituency — No necessity of repeated affirmation. AIR 1968 Mys 18, **Reversed** on another point (Nov) 1034D

—*Art. 174 (2)* — Speaker adjourning Legislature under R. 105 of Rules of Procedure and Conduct of Business in Punjab Legislative Assembly for two months beyond March 31—Impossibility of getting Finance Bill passed before March 31—Governor can prorogue Assembly and get rid of adjournment — Article 174 (2) does not put any restriction on powers of Governor — His action cannot be questioned on grounds of mala fide, when legislature was not in session (Oct) 903A

—*Art. 174 (2)*—Prorogation becomes effective from date it is notified in Official Gazette of State — Action of Secretary in sending copies to members is ministerial act — Rule 7 of Rules of Procedure and Conduct of Business does not add a clause to Art 174 (2) (Oct) 903B

—*Art. 174 (2)* — Courts are bound to take judicial notice of prorogation and presume the regularity of these actions which must be interpreted as far as possible so that the thing done may be valid rather than invalid — *See* Evidence Act (1872), S. 57 (Oct) 903C

—*Art. 174 (2)* — Punjab Ordinance (1 of

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1968) promulgated after prorogation of Legislature — Ordinance is valid — *See* Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance (1 of 1968), Preamble (Oct) 903D

—*Art. 180 (2)*—Article 199 (4) is directory — Speaker not present when money bills were passed — Under Art. 180 (2), Deputy Speaker acts as Speaker — *See* Constitution of India, Art. 199 (4) (Oct) 903I

—*Art. 189 (4)* — Section is not ultra vires — Article 209 gives full authority to S. 3 — No inconsistency between the section and R. 105 of Rules of Procedure and Conduct Business — Article 189 (4) cannot be abrogated — ILR (1968) 2 Punj. & Har. 42 (FB), **Reversed** — *See* Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance (1 of 1968), S. 3 (Oct) 903F

—*Art. 191* — Contract by acceptance of tender by State Government not complying with Art. 299 (1) of Constitution — Contract treated as binding subsisting contract by parties—Person entering into contract incurs disqualification for membership to State Legislature—*See* Representation of the People Act (1951), S. 9A (Apr) 302B

—*Art. 191 (1) (a)*—Office of profit—Allowances paid under Rr. 3 to 7 of Punjab Panchayat Samities and Zilla Parishads Non-official Members (Payment of Allowances) Rules, 1965, does not convert the office of Chairman Panchayat Samities into an office of profit — Such a person is not disqualified from being elected to the Legislative Assembly (Apr) 262

—*Art. 191 (1) (a)* — Workmen transferred from Government undertaking to a company ceases to be Government servant — Not disqualified to be a candidate for Assembly — *See* Representation of the People Act (1951), S. 100 (1) (a) (Sep) 744A

—*Art. 191 (1) (a)*—Post of Superintendent, Safety Engineering Department in an undertaking transferred from Government to a company is not office of profit under Government—Disqualification — Art. 191 (1) (a), not applicable to person holding such post — *See* Representation of the People Act (1951), S. 100 (1) (a) (Sep) 744B

—*Art. 198* — Prohibition under Art. 193 relates to introduction Bill in the Legislature — There is no reference at any stage to a bill being moved in a house — *See* Constitution of India, Art. 304 (b), Proviso (June) 504B

—*Arts. 199 (4), 180 (2), 212 (1)*—Article 199 (4) is directory — Speaker not present when Money Bills were passed — Under Art. 180

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(2), Deputy Speaker acts as Speaker—Though Art. 199 (4) mentions only the Speaker of the Legislative Assembly, in his absence, Deputy Speaker who acts as Speaker can certify Money Bills effectively under Art. 199 (4). — Under Art. 212 (1) validity of the Procedure cannot be questioned on grounds of irregularity (Oct) 903I

—*Art. 207* — Prohibition under Art. 207 relates to introduction Bill in the Legislature — There is no reference at any stage to a bill being moved in a house — See Constitution of India, Art. 304 (b), Proviso (June) 504B

—*Art. 208* — Speaker adjourning Legislature under R. 105 of Procedure and Conduct of Business in Punjab Legislative Assembly for two months beyond March 31 — Impossibility of getting Finance Bill passed before March 31—Governor can prorogue Assembly and get rid of adjournment — Article 174 (2) does not put any restriction on powers of Governor — His action cannot be questioned on grounds of mala fide, when legislature was not in session — See Constitution of India, Art. 174 (2) (Oct) 903A

—*Art. 208* — Prorogation becomes effective from date it is notified in Official Gazette of State — Action of Secretary in sending copies to members is ministerial act — Rule 7 of Rules of Procedure and Conduct of Business does not add a clause to Art. 174 (2) — See Constitution of India, Art. 174 (2) (Oct) 903B

—*Art. 208* — No inconsistency between S. 3 of Punjab Ordinance (1 of 1968) and R. 105 of Rules of Procedure and Conduct of Business — ILR (1968) 2 Punj & Har 42 (FB), **Reversed** — See Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance (1 of 1968), S. 3 (Oct) 903F

—*Art. 208* — Ruling of Speaker of Legislature, adjourning the House in face of S. 3 of Punjab Ordinance 1 of 1968, without the mandate from majority, under wrong impression that the Ordinance was invalid, can be questioned — Adjournment is null and void — Speaker's ruling cannot be treated as final under R. 112 of Rules of Procedure and Conduct of Business of Punjab Legislative Assembly. ILR (1968) 2 Punj & Har 42 (FB), **Reversed** — See Constitution of India, Art. 226 (Oct) 903G

—*Art. 209*—Punjab Ordinance (1 of 1968), promulgated after prorogation of Legislature — Ordinance is valid — See Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance (1 of 1968), Preamble (Oct) 903D

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—*Art. 209*—Object of—Legislature adjourned by Speaker beyond 31st March — Likelihood of financial business being languished and constitutional machinery being wrecked, — Governor proroguing Legislature and promulgating Punjab Ordinance, 1 of 1968, to enable Legislature to transact financial business — Action of Governor cannot be questioned on grounds of error of judgment or mala fides. ILR (1968) 2 Punj & Har 42 (FB), **Reversed** (Oct) 903E.

—*Art. 209* — Section 3 of Punjab Ordinance (1 of 1968) is not ultra vires—Art. 209 gives full authority to S. 3. ILR (1968) 2 Punj & Har 42 (FB), **Reversed** — See Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance (1 of 1968), S. 3 (Oct) 903F

—*Art. 212 (1)* — Though Art. 199 (4) mentions only the Speaker of the Legislative Assembly, in his absence, Deputy Speaker who acts as speaker can certify Money Bills effectively under Art. 199 (4) — Under Art. 212 (1) validity of the Procedure cannot be questioned on grounds of irregularity — See Constitution of India, Art. 199 (4) (Oct) 903I

—*Art. 213 (2)* — Punjab Ordinance (1 of 1968) promulgated after prorogation of Legislature—Ordinance is valid—See Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance (1 of 1968), Preamble (Oct) 903D

—*Art. 226* — Writ application against detention order under Preventive Detention Act (1950) — Order defective and invalid — Courts can insist on refusal to countenance slipshod exercise of power — See Public Safety — Preventive Detention Act (4 of 1950), S. 3 (1) (a) (ii) (Jan) 43A

—*Art. 226* — Certiorari — Writ of—Claim for refund of tax made within time — Writ can include direction for refund — See Civil P. C. (1908), S. 9 (Jan) 78

—*Art. 226* — Delay — Notification under S. 4 (1) of Coal Bearing Areas (Acquisition and Development) Act, 1957—Writ petition challenging validity of notification filed within six months of date of notification — Held delay was not sufficient to refuse relief prayed for (Jan) 125A

—*Art. 226* — Writ petition challenging notification under S. 4 of Act 20 of 1957 before notification under S. 7 — Not premature — See Coal Bearing Areas (Acquisition and Development) Act (20 of 1954), S. 4 (Jan) 125B

—*Art. 226*—Natural justice — Misconduct by student in examination—Inquiry into—Show cause notice to student after inquiry—

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—Report of inquiry not given to student—Not a breach of rule of natural justice—*See* Education—Kerala University Act (14 of 1957), Statutes under—Statute I, Chap. VII, Cl. 3 (xxvii) (Mar) 193B

—*Art. 226*—Writ petition against R. T. A.'s order—R. T. A. directed to maintain status quo during pendency of writ—Compromise between parties—Orders of R. T. A. in terms of compromise—Acquiescence in the order of R. T. A. — Writ of certiorari will not be granted—Evidence Act (1872), S. 115 (Apr) 329E

—*Art. 226*—Mandamus — Inter-State sales — Order of assessment of Sales Tax for entire assessment Year 1955-56—S. 3 of Act of 1956 validating levy of sales tax on inter-State sales till September 6, 1955 — Writ of mandamus can be issued directing State not to realise sales tax except with regard to transactions of sale between the period April, 1955 and September 6, 1955, both days inclusive — I L R (1965) 15 Raj 603, *Reversed* — *See* Sales Tax — Sales Tax Laws Validation Act (1956), S. 2 (May) 343B

—*Art. 226*—Interference in discretionary matter—Absence of pleading—Writ petition challenging that notice under S. 226 (3), I. T. Act was issued not in proper exercise of discretion — Writ petition merely stating that order under S. 220 (6) in treating the assessee in default was passed in exercise of discretion in arbitrary manner—In absence of specific particulars in writ petition to support allegation it is not open to High Court to go into that question—A I R 1968 Mys 258, *Reversed* (May) 403C

—*Art. 226* — Existence of alternative remedy is no bar to writ petition, where it is alleged that the tribunal acted under provision of law which was ultra vires or where it is alleged that it acted in violation of principles of natural justice—S. A. No. 322 of 1964, D/- 27-3-1964 (All), *Reversed* (July) 556

—*Arts. 226 and 32* — Arrest and detention of manager for tax due by Hindu undivided family — Two petitions by manager under *Art. 226*—High Court taking somewhat technical view in declining to allow contention of manager that he was not so liable and about res judicata—Supreme Court in appeal by special leave, interfered — *See* Constitution of India, Art. 136 (Aug) 682B

—*Art. 226*—Ruling of Speaker of Legislature, adjourning the House in face of S. 3 of Punjab Ordinance I of 1968, without the mandate from majority, under wrong impression that the Ordinance was invalid, can be questioned — Adjournment is null and

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void—Speaker's ruling cannot be treated as final under R. 112 — I L R (1968) 2 Punj & Har 42 (FB), *Reversed* (Oct) 903G

—*Art. 226*—Departmental enquiry — Conclusion of authority supported by evidence and one which could be reached by reasonable man — No interference in certiorari jurisdiction—A I R 1963 Punj 336, *Reversed* — *See* Constitution of India, Art. 311 (Nov) 966A

—*Arts. 226, 311*—Departmental enquiry—Inferences of fact drawn by Disciplinary Authority from material before it — Cannot be properly objected to (Nov) 966B

—*Art. 226*—Domestic tribunal—Technical rules of evidence do not apply—Substantive rules which form part of principles of natural justice however apply—*See* Evidence Act (1872), S. 1 (Nov) 983C

—*Art. 226* — Futile writ — Contracts by Government for sale of Kendu leaves — During pendency of proceedings entire year for which contracts were given expired—Parties to those contracts not before Court — Contracts, held could not be declared unlawful (Nov) 1081B

—*Art. 226* — Effect of decision in A I R 1968 Punj 391 is to make the Punjab Cattle Fairs (Regulation) Act (6 of 1968) non-existent in law — Act amended in view of the decision — Decision does not operate as res judicata in favour of person who was petitioner in the case—A I R 1968 Punj 391, *Overruled*—*See* Constitution of India, Art. 13 (Nov) 1100A

—*Art. 226* — Mandamus, writ of — Agreement to refer disputes in pending suits to arbitration of sole judge extra cursum curiae — Under terms of agreement judge to act in dual capacity as arbitrator and a judge—Order passed in pursuance of agreement in partition suit — On facts order held to be judgment and preliminary decree and not award — Registrar of High Court bound to file it on record under rules of High Court—No mandamus can be issued against Registrar to take it off the record so long as the order is not vacated by appropriate remedy — *See* Arbitration Act (1940), S. 2 (a) and (b) (Dec) 1133

—*Art. 226* — Mandamus — There must be legal right to performance of legal duty—Writ cannot issue to company which is not statutory or having any public duty or responsibility imposed by statute to restrain company from enforcing agreement arrived at between Union and Company. I L R (1967) Andh Pra 361, *Affirmed* — Court cannot also grant declaration about illegality of agreement in favour of petitioners—I L R (1967) Andh Pra 361, *Reversed* (Dec) 1306A

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—*Art. 245*—Power of State Legislature to validate retrospectively acquisitions of land offending Art. 14—Constitutionality—Legislature had power to validate past acquisitions by getting over discriminations caused by two existing procedures — A I R 1962 Mys 218, **Reversed** on basis of subsequent event—*See* Constitution of India, Art. 14

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—*Art. 245*—Punjab Ordinance (1 of 1968) promulgated after prorogation of Legislature—Ordinance is valid—*See* Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance (1 of 1968), Preamble

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—*Art. 246, Sch. 7, List I, Entry 86 and List II, Entry 49*—Levy of tax on capital value of non-agricultural lands and buildings—Parliament can legislate therefor under List I, Entry 86—Imposition of wealth-tax on non-agricultural lands and buildings under Wealth Tax Act (1957) is constitutional—Not conflicting with Entry 49 of List II—Observations made in A I R 1960 All 136 (FB) held were obiter and did not correctly interpret Entry 86 of List I

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—*Art. 246*—Bombay Legislature is competent to provide for surcharge—*See* Electricity Act (1910), S. 3 (f)

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—*Art. 246*—Expressions 'acquisition of property' and "subject to the provisions of Entry 42 of List III" in Entry 36 of List II—Interpretation of — *See* Constitution of India, Preamble

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—S. 342—Mere non-examination or defective examination of accused is not a ground for interference unless prejudice is established—See Criminal P. C. (1898), S. 537 (May) 381B

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—S. 10 (2) (xv)—Compensation for termination of managing agency — Claim for allowance under S. 10 (2) (xv) by assessee company — Burden of proof lay upon company to prove that expenditure was incurred wholly and exclusively for business of the company — Absence of reliable evidence to prove that managing agency was rendering any service—Removal of managing agency, not connected with business — Expenditure in paying compensation held could not be said to be made wholly and exclusively in the interest of the business of the company (Oct) 917B

—S. 10 (2) (xv)—Assessee selling agents in India for principal company in London for variety of goods such as chemicals, dyes, explosives, etc. — Amount paid by assessee as compensation to ex-agents whom it replaced—Absence of proof of exact terms and conditions of agreement between assessee and its principal in England—Amount held could not be said to be "expenditure laid out wholly and exclusively for the purpose of the business" under Section 10 (2) (xv)—(1965) 1 ITJ 93 (Cal), **Reversed** (Dec) 1160B

—S. 10 (2A) — Scope — When speculative loss or liability is treated as income or profit from business, profession or vocation, such income or profit can only be one arising from speculative business—(1935) I.T. Ref. No. 215 of 1931, D/- 14-1-1935 (Cal), **Reversed** (July) 572

—S. 12—Held on scrutiny of all clauses of indenture of lease that intention of assessee company was not to treat factory, etc., as commercial asset during subsistence of lease and therefore income arising from lease was

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liable to be assessed under Section 12 and not under Section 10 — *See* Income-tax Act (1922), S. 10 (Nov) 1062A

— *S. 12 (3) and (4)* — Clause (vi-a) and (vi-b) of Section 10 (2) cannot be treated as integral part of Clause (vi) of S. 10 (2) and cannot be read in Section 12 (3) and 12 (4) by implication — *See* Income-tax Act (1922), S. 10 (2) (Nov) 1062B

— *S. 18A* — Non-resident firm — Liability of agent appointed under S. 43 — He is not liable to pay advance tax under S. 18A — *See* Income-tax Act (1922), S. 43 (Apr) 319

— *Ss. 18A (3) and 23B* — Expression “any person who has not hitherto been assessed” cannot be interpreted to include a person who has only been provisionally assessed under S. 23B — Word “assessed” has to be read in its ordinary sense including every kind of assessment (July) 543A

— *S. 18A (3)* — Section cannot be interpreted in the light of Ss. 210 and 212 (3) of new Act — *See* Civil P. C. (1903), Preamble (July) 543B

— *Ss. 22 and 34* — Assessment for particular year completed — Assessee cannot file voluntary return for same year again to avoid notice under S. 34 — Submission of voluntary return no bar to issue of notice under S. 34 or under S. 148 of Act of 1961 (June) 496

— *S. 22* — Section 19 of Assam Agricultural Income-tax Act (9 of 1939) is *pari materia* with S. 22 — *See* Assam Agricultural Income-tax Act (9 of 1939), S. 19 (Oct) 831A

— *S. 23 (5) (a) (prior to its amendment by Finance Act 18 of 1956)* — Dissolution of registered partnership-firm — Assessment of partners under S. 23 (5) (a) — There can be no joint and several liability of all partners for payment of tax under S. 44 — *See* Income-tax Act (1922), S. 44 (Apr) 255

— *S. 23 (5) (a) (ii)* — Assessee not carrying on any independent business of his own but receiving share of profits from several firms of which he was a partner — Such profits are liable to be included under his total income as his business income — Hence, they being business income, expenditure necessary for the purpose of earning that income and appropriate allowance are deductible therefrom, under S. 10 (2) in determining his taxable income. Ref. No. 33 of 1952, D/- 2-6-1953 (Cal), Overruled — *See* Income-tax Act (1922), S. 10 (2) (Oct) 862

— *Ss. 23A (1) and 2 (ii) (as it stood before its Amendment by Finance Act of 1955)* — Expression “previous year” in S. 23A (1) — Interpretation of — Assessee having two different sources of income, and two businesses having separate accounting years, may have two

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— *S. 23A (4)* — Scope — Once tax is paid in respect of proportionate share of dividend deemed to be distributed, any actual distribution will not be liable to be taxed. ILR (1963) 2 All 325, Reversed (June) 501A

— *S. 23B* — Expression “any person who has not hitherto been assessed” in S. 18A (3) does not include a person who has only been provisionally assessed under S. 23B — Word “assessed” has to be read in its ordinary sense including every kind of assessment — *See* Income-tax Act (1922), S. 18A (3) (July) 543A

— *Ss. 24 (1), First Proviso, Expln. (1), 10, 6* — Scope of proviso — Speculative losses cannot be set off against profits from any other business activity under S. 10 in spite of first proviso to S. 24 (1) — AIR 1965 All 94, Reversed (Mar) 209

— *S. 24 (1)* — Sale transaction on 1-10-1949 — Price finally settled in December 1949 resulting in loss to assessee — Year in which loss can be taken into account is account year 1949-50 for purposes of S. 24 (1) — Decision in I. T. Ref. No. 33 of 1960, D/- 29-5-1963 (Cal), Reversed (Dec) 1241B

— *Ss. 24 (2) (ii) and 2 (4)* — Assessee partner of two firms carrying on same business — One firm dissolved and assessee sustaining loss — Other firm carrying on business in next assessment year — Assessee is entitled to claim set off for loss under S. 24 (2) (ii) (Nov) 940

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— *S. 26* — Dissolution of Firm — Continuance of its business by newly constituted firm — Case falls under S. 26 and not under S. 44 — Newly constituted firm can be legally assessed to penalty under S. 28 for the default of the original firm. (1936) ILR 45 Pat 121, Reversed — *See* Income-tax Act (1922), S. 23 (Dec) 1352A

— *S. 26A* — Income derived by member of Hindu undivided family from firm having

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— *S. 53* — Expression “at his instance” — It means “on his authority” — No statutory requirement that complaint petition itself must be filed by Inspecting Assistant Commissioner — Complaint by Income-tax Officer on being authorised by Inspecting Assistant Commissioner is not illegal (Aug) 701E

— *S. 66* — Reference of question whether on facts and circumstances of case different ventures carried on by assessee form same business for purpose of *S. 24 (2)* — Mixed question of law and fact — High Court cannot examine correctness of conclusion of Tribunal on facts — I. T. Ref. No. 130 of 1961, D/- 26-3-1965 (Cal), **Reversed** — *See* Income-tax Act (1922), *S. 24 (2)* (as it stood prior to its amendment in 1855) (Nov) 946

— *S. 66* — High Court exercises purely advisory jurisdiction, has no appellate or revisional powers — *See* Income-tax (Appellate Tribunal) Rules (1946), R. 24 (as amended in 1948) (Nov) 1068

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— *S. 66 (1) and (2)* — Scope — Nature of High Court's jurisdiction — Conclusions of fact arrived at by Tribunal can be challenged only on the ground that they are not supported by legal evidence or are perverse. I. T. Ref. No. 73 of 1962, D/- 2-3-1966 (Bom), **Reversed** (June) 460

— *S. 66 (1)* — Finding of fact — Interference by High Court — Application by party challenging finding of fact is pre-requisite (Oct) 840B

— *S. 66 (1)* — Reference under *S. 66 (1)* — High Court cannot embark upon re-appraisal of evidence and arrive at finding of fact contrary to those of Appellate Tribunal — (1965) 1 ITJ 98 (Cal), **Reversed** (Dec) 1160A

— *S. 66 (1), (2) and (4)* — Scope — Questions of fact or those not incorporated in application under *S. 66 (1)* — High Court is incompetent to call statement of case — Exercise of power under *S. 66 (4)* is open only when Court is satisfied that statements in a case referred under sub-s. (1) or sub-s. (2) are not sufficient to enable it to determine question raised by that statement — Calling for statement of case — Its correctness can be challenged at hearing of reference (Oct) 917A

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— Manager cannot be deemed to be an assessee in default under the Act: (1966) 2 Andh L T 423 and ILR 1967 Andh Pra 729, **Reversed** — *See* Income-tax Act (1961), *S. 222* (Aug) 682A

— *S. 2 (31)* — Word “person” in *Ss. 276, 276-A* and *277* is not used in the sense in which it is defined in *S. 2 (31)* — (1966) 2 Andh L T 423 and ILR (1967) Andh Pra 729, **Reversed** — *See* Income-tax Act (1961), *S. 222* (Aug) 682A

— *S. 2 (31)* — Word “individual” — Connotation — Hindu deity falls within meaning of that word — *See* Income-tax Act (1922), *S. 3* (Nov) 1089

— *S. 28* — Accrued liability though not actually paid is permissible deduction under Income-tax Act and Wealth Tax Act — *See* Payment of Bonus Act (1965), *S. 4* (Aug) 612D

— *S. 29* — Accrued liability though not actually paid is permissible deduction under Income-tax Act and Wealth Tax Act — *See* Payment of Bonus Act (1965), *S. 4* (Aug) 612D

— *S. 33* — Available surplus — Development rebate — Deduction under *S. 6*, Payment of Bonus Act (1965) out of gross profits arrived under *S. 4* — Amount actually allowable as development rebate under *S. 33*, Income-tax Act, 1961 should be allowed as deduction — *See* Payment of Bonus Act (1965), *S. 4* (Aug) 612C

— *S. 34* — Available surplus — Development rebate — Deduction under *S. 6*, Payment of Bonus Act (1965) out of gross profits arrived under *S. 4* — Amount actually allowable as development rebate under *S. 33*, Income-tax Act, 1961 should be allowed as deduction — Tribunal commits an error in allowing only seventy five per cent of that amount contemplated by *S. 34 (3)*, Income-tax Act as development rebate reserve — *See* Payment of Bonus Act (1965), *S. 4* (Aug) 612C

— *Ss. 64 (v) and 161 (2)* — Settlement of assets under trust for benefit of minor children — Inclusion of income from assets in total income of settlor — Not barred by *S. 161 (2)* — AIR 1954 Bom 219 & 1960-40 ITR 377 (Mad), **Overruled** (Oct) 888B

— *S. 68* — Account in respect of undisclosed income — No accounts maintained — No option under *S. 2 (11) (i) (a)* of 1922 Act exercised — Income to be assessed on basis of financial year being previous year — Position under new Act is the same — *See* Income-tax Act (1922), *S. 2 (11) (i) (a)* (May) 351A

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—S. 80 — Scope of assessment under S. 141 — Assessee claiming to deduct loss in respect of previous year in excess of loss certified — Income-tax Officer cannot adjudicate upon claim and disallow the same. AIR 1966 Raj 45, **Reversed**—*See* Income-Tax Act (1961), S. 141 (June) 470A

—S. 140 (b)—Failure to satisfy tax due by Hindu undivided family—Enforcement of certificate under S. 222 — Manager is not liable to be arrested and detained in prison — Merely because manager is authorised to sign and verify return of income, he cannot be deemed to be an assessee — (1966) 2 An L T 423 and I L R 1967 Andh Pra 729, **Reversed**—*See* Income-tax Act (1961), S. 222 (Aug) 682A

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—Ss. 156, 220, 221, 222, 226 (3) and 297 (2) (j). — Tax liability for assessment year 1961-62 determined under Income-tax Act, 1922—Notice of demand under S. 156 of 1961 Act — Subsequent notice under S. 226 (3) including this tax liability is valid — For issue of notice under S. 226 (3) assessee need not be in default — Interpretation of S. 226 (3) leading to absurd result of nullifying S. 297 (2) (j) should be avoided—Procedure of new Act applicable mutatis mutandis to all cases contemplated by S. 297 (2) (j) — A I R 1968 Mys 258, **Reversed** (May) 408A

—S. 156 — Notice under S. 226 (3) issued after service of notice of demand under S. 156 — Fact that time fixed for payment in notice of demand had not expired cannot invalidate notice under S. 226 (3). A I R 1968 Mys 258, **Reversed** — *See* Income-tax Act (1961), S. 226 (3) (May) 408B

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—S. 161—Representative assessee—Income of trust property — Power of Income-tax Officer to assess — He may assess either representative assessee or person represented by him—*See* Income-tax Act (1961), S. 166 (Oct) 888A

—S. 161 (2) — Settlement of assets under trust for benefit of minor children — Inclusion of income from assets in total income of settlor — Not barred by S. 161 (2) — AIR 1954 Bom 219 and 1960-40 I T R 377 (Mad), **Overruled**—*See* Income-tax (1961), S. 64 (V) (Oct) 888B

—Ss. 166 and 161—Representative assessee — Income of trust property — Power of Income-tax Officer to assess—He may assess either representative assessee or person represented by him (Oct) 888A

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—S. 210 (3) — There must be valid provisional assessment on basis of which advance tax is demanded (June) 470B

—S. 212 (3)—Section cannot be treated as a legislative exposition of S. 18A (3) of the old Act—*See* Civil P. C. (1908), Preamble (July) 543

—S. 220—Procedure of new Act applicable mutatis mutandis to all cases contemplated by S. 297 (2) (j)—AIR 1968 Mys 258, **Reversed** —*See* Income-tax Act (1961), S. 156 (May) 408A

—S. 220 (6) — Writ petition challenging that notice under S. 226 (3), Income-tax Act, was issued not in proper exercise of discretion — Writ petition merely stating that order under S. 220 (6) in treating the assessee in default was passed in exercise of discretion in arbitrary manner — In absence of specific particulars in writ petition to support allegation it is not open to High Court to go into that question—AIR 1968 Mys 258, **Reversed**—*See* Constitution of India, Art. 226 (May) 408C

—S. 220 (6)—Power of Appellate Tribunal to grant stay — Tribunal must be held to have the power as incidental or ancillary to its appellate jurisdiction particularly in view of S. 220 (6) and S. 246 — *See* Income-tax Act (1961), S. 254 (May) 430

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—Ss. 222, 140 (b), 282 (2), 2(7), 276, 276-A, 277, 2 (31), Sch. 2, Rr. 1 (b), 2, 16 and 78 — Failure to satisfy tax due by Hindu undivided family in enforcement of certificate under S. 222 — Manager is not liable to be arrested and detained in prison — Income assessed being one of Hindu undivided family, manager cannot be deemed assessee — Word “person” in Ss. 276, 276-A and 277 is not used in the sense in which it is defined in S. 2 (31)—(1966) 2 Andh L T 423 and ILR (1967) Andh Pra 729, **Reversed** (Aug) 682A

—S. 222—Arrest and detention of manager for tax due by Hindu undivided family — Two petitions by Manager under Art. 226 — High Court taking somewhat technical view in declining to allow contention of Manager that he was not so liable and about res judicata — Supreme Court in appeal by special leave, interfered — *See* Constitution of India, Art. 136 (Aug) 682B

—S. 226 (3) — Tax liability for assessment year 1961-62 determined under Income-tax Act, 1922 — Notice of demand under S. 156 of 1961 Act — Subsequent notice under S. 226 (3) including this tax liability is valid — For issue of notice under S. 226 (3), assessee need not be in default—Interpretation of S. 226 (3) leading to absurd result of nullifying S. 297 (2) (i) should be avoided — Procedure of new Act applicable mutatis mutandis to all cases contemplated by S. 297 (2) (i). A I R 1968 Mys 258, **Reversed** — *See* Income-tax Act (1961), S. 156 (May) 408A

—Ss. 226 (3) and 156—Notice under S. 226 (3) issued after service of notice of demand under S. 156 — Fact that time fixed for payment in notice of demand had not expired cannot invalidate notice under S. 226 (3). AIR 1968 Mys 258, **Reversed** (May) 408B

—S. 226 (3)—Writ petition challenging that notice under S. 226 (3), Income-tax Act was issued not in proper exercise of discretion — Writ petition merely stating that order under S. 220 (6) in treating the assessee in default was passed in exercise of discretion in arbitrary manner—In absence of specific particulars in writ petition to support allegation it is not open to High Court to go into that question. A I R 1968 Mys 258, **Reversed**—*See* Constitution of India, Art. 226 (May) 408C

—S. 246—Power of Appellate Tribunal to grant stay — Tribunal must be held to have the power as incidental or ancillary to its appellate jurisdiction particularly in view of S. 220 (6) and S. 246—*See* Income-tax Act (1961), S. 254 (May) 430

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—S. 255 (5)—Power of Appellate Tribunal to grant stay — It is doubtful if power of stay can be spelt out from provisions of S. 255 (5) — Tribunal must be held to have the power as incidental or ancillary to its appellate jurisdiction particularly in view of S. 220 (6) and S. 246—*See* Income-tax Act (1961), S. 254 (May) 430

—S. 276 — Default of Hindu undivided family in payment of tax — Karta cannot be arrested and detained in prison—Word “person” in S. 276 is not used in the sense in which it is defined in S. 2 (31). (1966) 2 Andh L T 423 and ILR (1967) Andh Pra 729, **Reversed**—*See* Income-tax Act (1961), S. 222 (Aug) 682A

—S. 276-A — Default of Hindu undivided family in payment of tax — Manager is not liable to be arrested and detained in prison — Word “person” in S. 276A is not used in the sense in which it is defined in S. 2(31), (1966) 2 Andh L T 423 and ILR (1967) Andh Pra 729, **Reversed**—*See* Income-tax Act (1961), S. 222 (Aug) 682A

—S. 277 — Default of Hindu undivided family in payment of tax — Manager is not liable to be arrested and detained in prison — Word “person” in S. 277 is not used in the sense in which it is defined in S. 2 (31) — (1966) 2 Andh L T 423, and ILR 1967 Andh Pra 729, **Reversed** — *See* Income-tax Act (1961), S. 222 (Aug) 682A

—S. 282 (2)—Failure to satisfy tax due by Hindu undivided family — Enforcement of certificate under S. 222—Manager is not liable to be arrested and detained in prison—Merely because notice under the Act can be served upon him when it is addressed to a Hindu undivided family and such service is treated as service upon Hindu undivided family, the manager cannot be deemed to be assessee — (1966) 2 Andh L T 423 and ILR 1967 Andh Pra 729, **Reversed** — *See* Income-tax Act (1961), S. 222 (Aug) 682A

—S. 297 (2)—Applicability — Proceedings under Income Tax Act (1922) pending at commencement of Income Tax Act (1961)—Right to prosecute in respect of such proceedings not taken away by new Income Tax Act — *See* General Clauses Act (1897), S. 6 (e) (Aug) 701C

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—Sch. 2, R. 1 (b) — Failure to satisfy tax due by Hindu undivided family — Manager cannot be deemed to be an assessee in default. (1966) 2 Andh L T 423 and ILR 1962 Andh Pra 729, **Reversed**— See Income-tax Act (1961), S. 222 (Aug) 682A

—Sch. 2, R. 2—Failure to satisfy tax due by Hindu undivided family — Manager cannot be deemed to be an assessee in default. (1966) 2 Andh L T 423 and ILR 1967 Andh Pra 729, **Reversed**— See Income-tax Act (1961), S. 222 (Aug) 682A

—Sch. 2, R. 16—Failure to satisfy tax due by Hindu undivided family — Manager cannot be deemed to be an assessee in default. (1966) 2 Andh L T 423 and ILR 1967 Andh Pra 729, **Reversed** — See Income-tax Act (1961), S. 222 (Aug) 682A

—Sch. 2, R. 73—Failure to satisfy tax due by Hindu undivided family — Manager cannot be deemed to be an assessee in default. (1966) 2 Andh L T 423 and ILR 1967 Andh Pra 729, **Reversed**— See Income-tax Act (1961), S. 222 (Aug) 682A

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Income-tax Rules (1922), R. 33 — Assessee non-resident Company engaged in shipping business — Computation of taxable business income—Profits of business are to be determined under R. 33 — See Income-tax Act (1922), S. 10 (2) (vi) and (vi-a) (Dec) 1262A

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—S. 2 (j) — Company — Shares held by Union Government, State Government and private individuals — Union Government being largest share holder nominating Company's director — Held, that the Company being registered under the Companies Act and governed by the provisions of that Act, it was a separate legal entity and could not be said to be either a Government, Corporation or an industry run by or under the authority of the Union Government — See Companies Act (1956), S. 2 (18) (Dec) 1306B

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decide dispute only as referred to it — Completed accounts of relevant years not available at time of reference — *Held*, claim for higher bonus could not be based on availability of surplus calculated according to Full Bench Formula (Nov) 976E

— *S. 10 (2)* — Trade Unions Act (1926), Ss. 6 (g), 28 (3), 29 and 30 (3)—Central Trade Union Regulations (1939), Regulation 9 — Dispute regarding workmen of one factory of Company represented by their Union, and the Company referred to Tribunal — Workmen represented by their registered Union whose membership was confined to workmen of that particular factory—Constitution of Union alleged to have been amended and name changed, before reference — Amendment making workmen of all the establishments in Bihar of the Company eligible of its membership — Amendment not effected according to provisions of Trade Unions Act — Effect of award does not extend to workmen of other factories. Ref. No. 32 of 1963, D/- 20-9-1964, Ind. Tri. Bihar, **Reversed**.

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— *S. 15* — Duty of Tribunal—Tribunal is expected to decide dispute only as referred to it — *See* Industrial Disputes Act (1947), *S. 10 (1)* (Nov) 976E

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— *Ss. 23 (c), 29, 24 and 26* — Strike envisaged by *Ss. 23 (c)* and 29 — Distinction pointed out — *Held*, on facts that strike in question was not in respect of one of the matters covered by settlement but in contravention of one of the clauses of settlement arrived at between management and workers' association and was illegal and punishable under *S. 29* and was not illegal under *S. 24* read with *S. 23 (c)* (Dec) 1280B

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— *S. 24*—Dismissal of workmen for participating in illegal strike — Order based on warning given in respect of previous strike in disregard of settlement — Dismissal held *mala fide* and vindictive — *See* Industrial Disputes Act (1947), *S. 23*

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— *S. 24* — *Held*, on facts that strike in question was in contravention of one of the clauses of settlement arrived at between management and workers' association and not on one of the matters covered by settlement and was illegal and punishable under *S. 29* and was not illegal under *S. 24* read with *S. 23 (c)*—*See* Industrial Disputes Act (1947), *S. 23 (c)* (Dec) 1280B

— *S. 25-FF* — Transfer of Government undertaking to a company—Workman thereof ceases to be Government servant and becomes workman of a company under *S. 25-FF*—*See* Representation of the People Act (1951), *S. 100 (1) (a)* (Sep) 744A

— *S. 25-FFF* — Closure of undertaking — Closure cannot be limited or restricted only to financial, economic or other considerations of like nature — Essence of matter is factum of closure by whatever reasons motivated—Question regarding closure of undertaking not considered by Tribunal in a proper manner — Revision of Tribunal set aside by Supreme Court—Industrial Dispute Case No. 1 of 1967, D/- 5-12-1967, (Orissa), **Reversed** (Jan) 90A

— *S. 25-FFF* — "On account of unavoidable circumstances" — Laying down of two pre-conditions in proviso to section is significant and must be given due effect — *Held*, closure of undertaking was not due to unavoidable circumstances beyond control of Management (Jan) 90B

— *Ss. 25-FF and 25-FFF* — Wages include compensation payable under *S. 25-FF*, Industrial Disputes Act — Authority under Payment of Wages Act in application under *S. 15 (2)* cannot entertain claim for compensation under *S. 25-FF* : (1967) 1 Lab L J 232 (Punj.), **Overruled**. — *See* Payment of Wages Act (1936, as amended by Act 68 of 1957), *S. 15 (2)* (July) 590

— *S. 26* — Distinction between *Ss. 26* and 29, pointed out—*See* Industrial Disputes Act (1947), *S. 23 (c)* (Dec) 1280

— *S. 29* — Strike envisaged by *Ss. 23 (c)* and 29 — Distinction pointed out — *See* Industrial Disputes Act (1947), *S. 23 (c)* (Dec) 1280B

— *Ss. 33 (5) and 33 (2) (b)* — Powers of Tribunal — Tribunal can disregard findings of Enquiry Officer if they are perverse—Test of perversity (Nov) 983A

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—S. 33 (5) — Powers of Tribunal — It cannot sit in judgment over view taken by Enquiry Officer about value to be attached to evidence of witnesses (Nov) 983B

—S. 33-A—Jurisdiction of authority under S. 36, Bihar Shops and Establishments Act (8 of 1954) is not a limited jurisdiction as in cases falling under S. 33-A : A I R 1964 Pat 180, **Overruled** — See Shops and Establishments—Bihar Shops and Establishments Act (8 of 1954), S. 26 (Nov) 992C

—S. 33-C (2)—Application claiming computation of benefit for overtime work and work done on weekly off days at certain rates — Rates pleaded in application not disputed by employer — Jurisdiction of Labour Court to entertain application not barred by S. 20 (1), Minimum Wages Act (Dec) 1335B

—S. 33-C (2)—Application under Art. 137, Limitation Act, 1963 does not apply : 70 Bom L R 500, **Overruled** — See Limitation Act (1963), Art. 137 (Dec) 1335C

—Sch. 2, Item 1 — Dismissal of workmen for participating in illegal strike — Order based on warning given in respect of previous strike in disregard of settlement — Dismissal held *mala fide* and vindictive—See Industrial Disputes Act (1947), S. 23 (March) 235

—Sch. 2, Item 3 — Dismissal of workmen for participating in illegal strike — Order based on warning given in respect of previous strike in disregard of settlement — Dismissal held *mala fide* and vindictive—See Industrial Disputes Act (1947), S. 23 (March) 235

—Sch. 2, Item 3—Workman charge-sheeted for "acts of misconduct" — Findings of enquiry officer that acts of misconduct charged were proved—Order of discharge passed in consequence — It cannot be argued that the order was one of discharge simpliciter and not by way of punishment (Nov) 992D

—Sch. 2, Item 6—Domestic enquiry—Victimisation — Discrimination — Strike by workers — Management dismissing three workers for misconduct by incitement, intimidation and riotous and disorderly behaviour considering them as 'very grave in nature' — No action was taken for striking or stopping or for loitering about in company's premises as a large number of 'misguided' workmen had stopped work. Held on facts that once a misconduct graver than that of rest of the employees was found proved against those workers and for which punishment was dismissal, victimisation could not be attributed to management — Having been found to be leaders of crowd,

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action taken against them could not on any principle be regarded as discriminatory or unequal—(Constitution of India, Art. 14) (Dec) 1280D

—Sch. 3, Item 1 — Concept of minimum wages takes into account the prevailing cost of essential commodities—Linking up scales of minimum wage with cost of hiring is not alien to concept of minimum wage — See Minimum Wages Act (1948), S. 4 (2) (Mar) 182A

—Sch. 3, Item 1—In fixing minimum wage incapacity of management to pay and carry on business, is no consideration—See Minimum Wages Act (1948), S. 3 (Mar) 182B

—Sch. 3, Item 1 — Factory declared as an establishment under Bihar Shops and Establishments Act—Overtime payment to workmen — Bihar Shops and Establishments Act has no relevance in deciding the question of payment of overtime wages—See Industrial Disputes Act (14 of 1947), S. 2 (rr) (April) 306B

—Sch. 3, Item 1 — Wages — Industry-cum-region principle of fixing minimum wages — Absence of other comparable concerns in same industry — Principle cannot be applied — See Industrial Disputes Act (1947), S. 2 (rr) (Nov) 976A

—Sch. 3, Item 1 — Casual worker cannot have same wages as permanent employee—See Industrial Disputes Act (1947), S. 2 (rr) (Nov) 976C

—Sch. 3, Item 1—Increase in wages—Giving effect to — Consideration of burden on employer — See Industrial Disputes Act (1947), S. 2 (rr) (Nov) 976D

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—Sch. 3, Item 4—Trade Unions Act (1926) (as amended by Act 45 of 1947), S. 28K—Special leave with pay to workmen who are Union's representatives to attend meeting of executive body of Union and federation of I. N. T. U. C. — Demand held not justified. Ref. No. 32 of 1963, D/- 20-9-1964, Ind. Tri. Bihar, **Reversed** (Apr) 306C

—Sch. 3, Item 5—Gratuity—Concept of — Qualifying period should be fairly long — Ten years' service is usual, though no hard and fast rule can be laid down—Qualifying period in case of termination of service — Criterion for fixing (Mar) 182D

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—*Sch. 3, Item 5 ; Sch. 2, Item 6* — Bonus

—Payments in past neither uniform nor connected with any festival — Payments held neither as implied condition of service, nor as customary or traditional bonus (Nov) 998

Industrial Employment (Standing Orders) Act (20 of 1946), Pre.—Object of Act

—Is to require employers to define with certainty conditions of service in their establishments and to reduce them to writing and to get them compulsorily certified with a view to avoid unnecessary industrial disputes

(July) 513B

—*Ss. 4, 6 and 10*—Effect of amendment by Act 36 of 1956—Act gave individual workman right to contest draft standing orders or to apply for their modification in addition to existing right to raise industrial dispute

(July) 513C

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—*S. 4* — Modification of certified Standing Orders under Industrial Employment (Standing Orders) Act—Question as to fairness and reasonableness of modifications has been left by Legislature to the authorities empowered under the Act—Supreme Court would not be justified in interfering with conclusions of authorities under the Act unless an important principle of industrial law requiring elucidation is involved — *See* Constitution of India, Art. 136 (July) 513F

—*Ss. 4, 6 and 10*—Modification of Standing Order requiring giving of reasons in cases of discharge of workman simpliciter—Modification is fair and reasonable and should not be interfered with under Art. 136

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—*Ss. 4 and 10*—Modification of Standing Order requiring the giving of second show cause notice at stage of imposing punishment of removal cannot be considered as fair or reasonable and should be set aside under Art. 136—To import such a requirement from Art. 311 in industrial matters is neither necessary nor proper and would be equating industrial employees with Civil servants

(July) 513H

—*S. 6*—Effect of amendment by Act 36 of 1956—Act gave individual workman right to contest draft standing orders or to apply

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—*S. 6*—Scope—Certified Standing Orders

—Modification of — Existence of new circumstances not a condition precedent to exercise of jurisdiction under S. 10 (2) — *See* Industrial Employment (Standing Orders) Act (20 of 1946 as amended by Act 36 of 1956), S. 10

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—*S. 6*—Principle of res judicata—Applicability to industrial matters — Proceedings for modification of standing orders under Industrial Employment (Standing Orders) Act—It is doubtful whether principles analogous to res judicata can properly be applied to such proceedings—*See* Civil P. C. (1908), S. 11

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—*S. 6*—Modification of certified Standing Orders under Industrial Employment (Standing Orders) Act — Question as to fairness and reasonableness of modifications has been left by Legislature to the authorities empowered under the Act—Supreme Court would not be justified in interfering with conclusions of authorities under the Act unless an important principle of industrial law requiring elucidation is involved — *See* Constitution of India, Art. 136 (July) 513I

—*S. 6* — Modification of standing order requiring giving of reasons in cases of discharge of workman simpliciter — Modification is fair and reasonable and should not be interfered with under Art. 136 of Constitution—*See* Industrial Employment (Standing Orders) Act (20 of 1946), S. 4 : (July) 513G

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—*Ss. 10, 4, 6, 11 and 12*—Scope — Certified standing orders — Modification of — Existence of new circumstances not a condition precedent to exercise of jurisdiction under S. 10 (2)

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and reasonableness of modifications has been left by Legislature to the authorities empowered under the Act—Supreme Court would not be justified in interfering with conclusions of authorities under the Act unless an important principle of industrial law requiring elucidation is involved—*See* Constitution of India, Art. 135 (July) 513F

—S. 10—Modification of Standing Order requiring giving of reasons in cases of discharge of workman simpliciter—Modification is fair and reasonable and should not be interfered with under Art. 136 of Constitution—*See* Industrial Employment (Standing Orders) Act (20 of 1946), S. 4 (July) 513G

—S. 10—Modification of standing order requiring the giving of second show cause notice at stage of imposing punishment of removal cannot be considered as fair or reasonable and should be set aside under Art. 135—*See* Industrial Employment (Standing Orders) Act (20 of 1946), S. 4

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—S. 11—Scope—Certified standing orders—Modification of—Existence of new circumstances not a condition precedent to exercise of jurisdiction under S. 10 (2)—*See* Industrial Employment (Standing Orders) Act (20 of 1946 as amended by Act 36 of 1956), S. 10

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—S. 12—Certified standing orders—Modification of—Existence of new circumstances not a condition precedent to exercise of jurisdiction under S. 10 (2)—*See* Industrial Employment (Standing Orders) Act (20 of 1946 as amended by Act 36 of 1956), S. 10

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J. & K. Representation of the People Act (4 of 1957), S. 47 (2) (a)—Filing of nomination paper—Failure to subscribe oath or affirmation before authorized officer—Nomination paper is liable to be rejected—*See* Constitution of Jammu and Kashmir (1956), S. 51 (a)

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Land Acquisition Act (1 of 1894), S. 3 (a)—Acquisition of land with orchards thereon—Determination of value of trees does not fall under S. 23 (1) secondly—AIR 1964 Madh Pra 196, **Reversed**—*See* Land Acquisition Act (1 of 1894), S. 23 (1) & (2) (Mar) 255A

—Ss. 23 (1) and (2) and 3 (a)—Acquisition of land with orchards thereon—Value of trees, determination of—Value of trees does not fall under S. 23 (1) secondly—Land includes trees standing thereon, which are component parts of land—Value of trees is ascertained only for determining the market value of land sought to be acquired—On the value of land as determined the court is bound to allow 15 per cent allowance provided by S. 23 (2)—AIR 1964 Madh Pra 196, **Reversed** (Mar) 255A

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—(Mad.), Cl. 12—Decree-holder creditors applying for rateable distribution of assets held by executing court in respect of another decree passed by High Court cannot challenge the decree under which the assets were held, as invalid, on the ground that High Court had no territorial jurisdiction under Cl. 12 of Letters Patent to pass decree for sale of properties outside its local limits of its ordinary original jurisdiction—*See* Civil P. C. (1908), S. 21 (Dec) 1147D

Limitation Act (9 of 1908), S. 3—Amendment of plaint—Suit originally instituted mis-describing the plaintiff—Amendment of plaint substituting real plaintiff—No question of limitation arises—Plaint must be deemed on such amendment to have been

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instituted in the name of the real plaintiff, on the date on which it was originally instituted (Dec) 1267B

—*S. 5*—Appeal against order awarding compensation—Order passed on 23-2-1958—Application for judgment made on 24-2-58 without requisite fees—Return of application on 11-3-58 requiring applicant to deposit necessary fees—Application with fees filed on 12-3-58—Judgment copy given on 18-3-58—Appeal filed on 2-5-1958, held delayed by only 1 day, and could not be dismissed as time barred. Misc. Civil Petn. No. 64 of 1961, D/- 13-11-1962 (M. P.), **Reversed**—*See* Tenancy Laws—M. B. Abolition of Jagirs Act (28 of 1951), S. 29 (Nov) 953

—*S. 13, Article 95*—Scope and applicability—Suit for obtaining relief on ground of fraud—Article 95 attracted—Fraud committed on 7-1-1924 and discovered on 16-4-1924—Defendant outside India for several months in 1924 and 1926—Suit instituted on 14-9-1927 in Court at D in India—Defendant residing at place within jurisdiction of Court on that date—Held Court at D had jurisdiction to entertain and try suit, though cause of action for suit arose outside India—Suit was not barred by limitation—AIR 1928 Mad 1088 and AIR 1944 Mad 437 **held rightly overruled** by AIR 1955 Mad 96 (FB) (July) 552B

—*S. 14*—Applicability—Suit for compensation against Bengal and Assam Railway Administration situated beyond Original Side jurisdiction of Calcutta High Court—Cause of action arising at Sealdah, a place on the border line of the territorial limits of jurisdiction of Calcutta High Court on Original Side—Plaintiff suing for relief wrongly in Calcutta High Court on Original Side—Proceeding commenced and prosecuted bona fide—Plaintiff held entitled to the benefit of the provision under S. 14 (Jan) 23B

—*Art. 95*—Suit for obtaining relief on ground of fraud—*Art. 95* attracted—AIR 1928 Mad 1088 and AIR 1944 Mad 437 **held rightly overruled** by AIR 1955 Mad 96 (FB)—*See* Limitation Act (1908), S. 13 (July) 552B

—*Arts. 120 and 144*—Suit for declaration that company was not wound up and that properties acquired by new company were in trust for the plaintiff's company and a decree for vesting or retransferring the properties to plaintiff's company—Suit is governed by Article 120 and not by Article 144—Cause of action arising in 1939—Suit brought after six years is barred (Oct) 843B

—*Art. 141*—Adverse possession against Hindu widow not adverse against next reversioners—Suit by reversioner to recover pos-

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—*Art. 144*—Suit for declaration that company was not wound up and that properties acquired by new company were in trust for the plaintiff's company and a decree for vesting or retransferring the properties to plaintiff's company—Suit is governed by Art. 120 and not by Art. 144—Cause of action arising in 1939—Suit brought after six years is barred—*See* Limitation Act (1908), Art. 120 (Oct) 843B

—*Art. 149*—Suit for declaration of title to disputed plots and for correction of entry in settlement records for showing status of plaintiff as that of "Raiyat Sarkar"—Plaintiffs' failure to establish their title by prescription for statutory period of sixty years—Suit brought by plaintiff against State Government must be dismissed—First Appeal No. 217 of 1959, D/- 16-4-1963 (M. P.), **Reversed** (Dec) 1256B

—*Art. 158*—Application under Arbitration Act except under Ss. 8 and 20—Save as provided in Arts. 158 and 178, there is no limitation for such application—*See* Arbitration Act (1940), S. 8 (June) 474

—*Art. 178*—Application under Arbitration Act except under Ss. 8 and 20—Save as provided in Arts. 158 and 178 there is no limitation for such application—*See* Arbitration Act (1940), S. 8 (June) 474

—*Art. 181*—Application under—There is no prescribed period of limitation—Art. 181, Limitation Act does not apply—AIR 1965 All 269, **Reversed**—*See* Arbitration Act (1940), S. 8 (June) 474

Limitation Act (36 of 1963), S. 5—Scope—Words "sufficient cause"—Meaning—On facts, application under S. 5 was allowed and delay in filing appeal was condoned—(1968) 70 Pun LR (D) 332, **Reversed** (July) 575B

—*S. 29*—Election petition—Necessary party not joined within limitation for filing petition—High Court has no power to allow addition after the limitation—*S. 29* of Limitation Act has no application—*See* Representation of the People Act (1951 as amended in 1966), S. 81 (Oct) 872A

—*S. 29 (2)*—Election petitions—Amendment of petition and joining of parties—Question whether Ss. 4 to 25 of Limitation Act apply (Quære)—*See* Representation of the People Act (1951), S. 83 (Aug) 677B

—*Art. 137*—Application under other Acts—Application under Section 33C (2), Industrial Disputes Act—Article does not apply. (1968) 70 Bom LR 104, **Overruled**: (Dec) 1335

Madhya Bharat Abolition of Jagirs Act (28 of 1951)—See under Tenancy Laws.

Madhya Bharat Municipal Corporation Act (23 of 1956)—See under Municipalities.

Madhya Bharat Sales Tax Act (30 of 1950)—See under Sales Tax.

Madhya Pradesh General Sales Tax Act (2 of 1959)—See under Sales Tax.

M. P. General Sales Tax Rules (1959)—See under Sales Tax.

Madras City Tenants Protection Act (3 of 1922)—See under Tenancy Laws.

Madras Cultivating Tenants Protection Act (25 of 1955)—See under Tenancy Laws.

Madras Estates Land Act (1 of 1908)—See under Tenancy Laws.

Madras General Sales Tax Act (1 of 1959)—See under Sales Tax.

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—S. 4(2)—Concept of minimum wage takes into account the prevailing cost of essential commodities—Linking up scales of minimum wage with cost of hiring is not alien to concept of minimum wage (Mar) 182A

—S. 5—Wages—Industry-cum-region principle of fixing minimum wages—Absence of other comparable concerns in same industry—Principle to be applied—See Industrial Disputes Act (1947), S. 2 (rr) (Nov) 976A

—S. 5—Casual worker cannot have same wages as permanent employee—See Industrial Disputes Act (1947), S. 2 (rr) (Nov) 976C

—S. 6—In fixing minimum wage incapacity of management to pay and carry on business, is no consideration—See Minimum Wages Act (1948), S. 3 (Mar) 182B

—S. 14—Factory declared as an establishment under Bihar Shops and Establishments

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—S. 20—Application for computation of benefit for overtime and work done on weekly off days at certain rates—Rates pleaded in application not disputed—Section cannot be invoked—Powers of authority under section indicated—See Industrial Disputes Act (1947), S. 33C (2) (Dec) 1335B

Motor Vehicles Act (4 of 1939), Ss. 2 (3), 2 (19), 2 (20), 2 (22), 2 (23), 42 (1), 60 (1) (c)—Scope—Person in whose favour permit has been granted—Need not necessarily be owner of vehicle covered by it—Act does not bar benami transactions—Specific Relief Act (1877), S. 55—Suit by owner of vehicles against benamidar thereof for declaration and mandatory injunction—Relief can be granted to effectuate transfer of permits—AIR 1967 Mad 100, **Reversed**. AIR 1963 Mad 413 and AIR 1962 Andh Pra 14, **Overruled** (June) 493A

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—S. 2(20)—Person in whose favour permit has been granted—Need not necessarily be owner of vehicle covered by it. AIR 1967 Mad 100, **Reversed**. AIR 1963 Mad 413 and AIR 1962 Andh Pra 14, **Overruled**—See Motor Vehicles Act (1939), S. 2 (3) (June) 493A

—S. 2(22)—Person in whose favour permit has been granted need not necessarily be owner of vehicle covered by it. AIR 1967 Mad 100, **Reversed**. AIR 1963 Mad 413 and AIR 1962 Andh Pra 14, **Overruled**—See Motor Vehicles Act (1939), S. 2 (3) (June) 493A

—S. 2(23)—Person in whose favour permit has been granted need not necessarily be owner of vehicle covered by it. AIR 1967 Mad 100, **Reversed**. AIR 1963 Mad 413 and AIR 1962 Andh Pra 14, **Overruled**—See Motor Vehicles Act (1939), S. 2 (3) (June) 493A

—S. 42(1)—Person in whose favour permit has been granted need not necessarily be owner of vehicle covered by it. AIR 1967 Mad 100, **Reversed**. AIR 1963 Mad 413, **Overruled**—See Motor Vehicles Act (1939), S. 2 (3) (June) 493A

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—S. 47—Route includes a road or physical track—*See* Motor Vehicles Act (1939), S. 68C (Apr) 273A

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—S. 48—Writ Petitions by private operators against order of R. T. A. granting permit to State Road Transport Corporation—Enforcement of order of R. T. A. stayed pending Writ Petition and R. T. A. directed to maintain status quo pending writ petitions—Subsequent compromise between private operators and Road Transport Corporation—Orders formerly passed by R. T. A. but kept pending till writ petitions were withdrawn—Order held conditional and not in violation of High Court order—Order of R. T. O. held not invalid. Spl. C. A. Nos. 575 to 596, 634, 540, 570 to 572 of 1967, D/- 20-10-1967 (Bom), **Reversed** (Apr) 329D

—S. 57—Bombay Motor Vehicles Rules (1940), Rr. 67 and 68—Orders of R. T. A. in form of resolution at meeting at which parties were present—Resolution communicated to parties—Reasons for order given in the communication—The procedure did not contravene any provision of law or rule—There is no provision either in the Act or the Rules which requires the R. T. A. to give a written decision with regard to the grant of a stage carriage permit. Nor is there anything in the Act or the Rules which by necessary implication throws a duty upon the R. T. A. to give a written judgment in each case and to give reasons thereof along with the written decision. Spl. C. A. Nos. 575 to 596, 634, 540, 570 to 572 of 1967, D/- 20-10-1967 (Bom), **Reversed** (Apr) 329F

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—S. 60 (1) (c)—Person in whose favour permit has been granted—Need not necessarily be owner of vehicle covered by it—Act does not bar benami transactions. AIR 1967 Mad 100, **Reversed**. AIR 1962 Andh Pra 14, **Ovrruled**—*See* Motor Vehicles Act (1939), S. 2 (3) (June) 493A

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— *S. 200* — For conviction under S. 200 declaration should be used or attempted to

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be used corruptly—Cr. App. No. 4 of 1967, D/- 10.11.67 (Pat), **Reversed**—*See* Penal Code (1860), S. 199 (Jan) 7

—S. 211—Offence under S. 182 is distinct from one under S. 211—Offence under S. 211 is more serious and may include offence under S. 182—Prosecution for offence under S. 211—Cannot be continued for non-compliance of S. 195 (1) (b), Criminal P. C. AIR 1925 All 765, **Overruled**—*See* Criminal P. C. (1898), S. 195 (1) (b) and (1) (a)₂ (May) 355A

—S. 211—Prosecution for offence under S. 211—Cannot be continued for non-compliance of S. 195 (1) (b), Criminal P. C.—*See* Criminal P. C. (1898), S. 207A (May) 355B

—S. 302—Charge for murder—Confessional statement to Mukhia of village—Acceptance of inculpatory portion and conviction based thereon, held, was valid—*See* Evidence Act (1872), S. 3 (May) 422

—S. 302—Accused convicted for murder on basis of dying declaration of victim and evidence of witnesses and sentenced to death—Death sentence confirmed on appeal by High Court—Case held not fit for interference by Supreme Court—Sentence of imprisonment for life held appropriate in circumstances of case as intention to murder was lacking—*See* Constitution of India, Art. 136 (Nov) 951B

—S. 304—Accused convicted for murder on basis of dying declaration of victim and evidence of witnesses and sentenced to death—Death sentence confirmed on appeal by High Court—Case held not fit for interference by Supreme Court—Sentence of imprisonment for life held appropriate in circumstances of case as intention to murder was lacking—*See* Constitution of India, Art. 136 (Nov) 951B

—S. 304, Part II—Fight between two groups—Charge of murder by inflicting two blows of jambia on deceased—Plea of private defence of person of his brother raised by accused in his statement under S. 342, Criminal P. C.—Conviction under S. 304, Part II on ground that accused had exceeded right of private defence—Held on facts that there was sufficient evidence including injury report and testimony of doctor to warrant the conclusion that right of private defence had been exceeded—*See* Criminal P. C. (1898), S. 342 (Nov) 956

—Ss. 420 and 22—'Property' does not necessarily mean a thing which must have a market value—Income-tax assessment order is a 'property' (Jan) 40A

—Ss. 420, 29 and 30—Valuable security—Income-tax assessment order is a valuable security (Jan) 40B

Penal Code (contd.)

—S. 463—Offence under S. 146 (p), Maharashtra Co-operative Societies Act is distinct from offences under Ss. 463, 464, Penal Code—Does not repeal S. 465, Penal Code—Private complaint to Magistrate that a party has committed offences under Ss. 465, 471, Penal Code—Prior sanction of Registrar under S. 148 (3) is not necessary—*See* Co-operative Societies—Maharashtra Co-operative Societies Act (24 of 1961), S. 148 (3) (Aug) 724B

—S. 464—Offence under S. 146 (p), Maharashtra Co-operative Societies Act is distinct from offences under Ss. 463, 464, Penal Code—Does not repeal S. 465, Penal Code—Private complaint to Magistrate that a party has committed offences under Ss. 465, 471, Penal Code—Prior sanction of Registrar under S. 148 (3) is not necessary—*See* Co-operative Societies—Maharashtra Co-operative Societies Act (24 of 1961), S. 148 (3) (Aug) 724B

—S. 465—Registrar's nominee appointed under S. 95 of Maharashtra Co-operative Societies Act is not a 'Court' within S. 195, Criminal P. C.—Commission of offences under Ss. 465 and 471, Penal Code by party before Registrar's nominee—Magistrate can take cognizance thereof on private complaint—AIR 1930 Mad 896 & AIR 1934 Mad 40 and AIR 1935 Mad 673 and AIR 1918 Cal 932, **Overruled**—*See* Co-operative Societies—Maharashtra Co-operative Societies Act (24 of 1961), S. 95 (Aug) 724A

—S. 465—Offence under S. 146 (p), Maharashtra Co-operative Societies Act is distinct from offences under Ss. 463, 464, Penal Code—Does not repeal S. 465, Penal Code—Private complaint to Magistrate that a party has committed offences under Ss. 465, 471, Penal Code—Prior sanction of Registrar under S. 148 (3) is not necessary—*See* Co-operative Societies—Maharashtra Co-operative Societies Act (24 of 1961), S. 148 (3) (Aug) 724B

—S. 471—Registrar's nominee appointed under S. 95 of Maharashtra Co-operative Societies Act is not a 'Court' within S. 195, Criminal P. C.—Commission of offences under Ss. 465 and 471, Penal Code by party before Registrar's nominee—Magistrate can take cognizance thereof on private complaint—AIR 1930 Mad 896 and AIR 1934 Mad 40 and AIR 1935 Mad 673 and AIR 1918 Cal 932, **Overruled**—*See* Co-operative Societies—Maharashtra Co-operative Societies Act (24 of 1961), S. 95 (Aug) 724A

—S. 471—Offence under S. 146 (p) of Maharashtra Co-operative Societies Act is distinct from offences under Ss. 463,

Penal Code (contd.)

464, Penal Code—Does not repeal S. 465, Penal Code—Private complaint to Magistrate that a party has committed offences under Ss. 465, 471, Penal Code—Prior sanction of Registrar under S. 148 (3) is not necessary — *See* Co-operative Societies—Maharashtra Co-operative Societies Act (24 of 1961), S. 148, (3) (Aug) 724B

Pepsu Tenancy and Agricultural Lands Act (8 of 1953).

See under Tenancy Laws.

Police Act (5 of 1861), S. 7 — Enquiry under — Copy of enquiry report given to delinquent police Officer along with show cause notice indicating that his past record was taken into consideration — Opportunity to offer explanation on question of past record — Sufficiency—S. A. No. 1271 of 1962, D/- 2-3-1965 (All), **Reversed** — *See* Constitution of India, Art. 311 (2) (Nov) 1020A
—Ss. 7 and 29 — Scope of—S. 29 does not in any way limit operation of S. 7 (Nov) 1020C

—S. 29—Scope of — S. 29 does not in any way limit operation of S. 7—*See* Police Act (1861), S. 7 (Nov) 1020C

Prevention of Corruption Act (2 of 1947), Ss. 5 (1) and 5 (2) — Persons giving illegal gratification under coercion and fear of being harassed are not accomplices — *See* Evidence Act (1872), S. 133 (Jan) 17A
—Ss. 5 (1) and 5 (2) — Trial of offences under—Though trap witnesses are interested witnesses, as a matter of law, their evidence cannot be rejected for want of corroboration — *See* Evidence Act (1872), S. 133 (Jan) 17B

—S. 5 (1) (a) — Offence not falling under S. 161 of Penal Code cannot come within this provision (Jan) 17D

—Ss. 5 (1), 5 (1) (d) and 5 (2)—Ingredients — Acts complained of, need not be in the discharge of official duties (Jan) 17E

—S. 5 (2)—Accused No. 1 a subordinate of A-2, aiding and being present at time A-2 received moneys by extortion — A-1 held guilty under S. 5 (2) read with S. 114, Penal Code — *See* Penal Code (1860), S. 114 (Jan) 17F

Preventive Detention Act (4 of 1950)

See under Public Safety.

Provident Funds Act (19 of 1925) S. 3 — Subscriber to Railway Provident Fund electing to be governed by Provident Fund Sterling Accounts Rules—Subscriber requesting payment in sterling and by Bank draft in a bank in England — Railway Administration drawing cheques in favour of Reserve Bank of India with instructions to convert it into sterling and then to transmit amount to subscriber's banker in England—Attachment

Provident Funds Act (contd.)

of cheques lying with Reserve Bank in execution of money decree — Validity — Held attachment was contrary to terms of S. 3 because obligation of railway administration could not be said to have been discharged till directions of subscriber regarding transmission of fund were complied with — A I R 1962 Cal 169, **Reversed** (Sep) 762

Provincial Insolvency Act (5 of 1920), S. 53—

Finding of District Court in appeal that impugned mortgage is supported by consideration and is a genuine transaction—High Court acting under S. 75, first proviso cannot review finding: Civ. Rev. Petns. Nos. 981 and 982 of 1956 D/- 17-1-1956 (Mad), **Reversed** as the High Court reviewed the finding of the District Court — *See* Provincial Insolvency Act (1920), S. 75 (1), first proviso (Dec) 1344A

—S. 53—Mortgage impeached as not supported by consideration — Onus is on party challenging its validity to prove absence of consideration—But where mortgagees do not stand by the recitals as to the manner in which consideration was paid it is for them to prove the passing of consideration (Dec) 1344B

—S. 75 (1) first Proviso and S. 53 — Powers of High Court—Findings of fact by District Court—High Court cannot de novo examine those findings. Civil Revn. Petns. Nos. 981 and 982 of 1956, D/- 17-1-1958 (Mad), **Reversed** (Dec) 1344A

Provincial Small Cause Courts Act (9 of 1887), S. 25 — Powers under S. 75 (1), first proviso, of Provincial Insolvency Act are similar to those under S. 25—*See* Provincial Insolvency Act (1920), S. 75 (1) first proviso (Dec) 1344A

PUBLIC SAFETY

—**Jammu and Kashmir Preventive Detention Act (13 of 1964), S. 3** — Detention—Restrictions to be imposed on detenu must be minimal (Dec) 1153D

—S. 3 (1) (a) (i) — Detention under—Detention for more than three months but not more than six months—Case not referred to Advisory Board as required under S. 10—Detention is valid — *See* Public Safety — Jammu and Kashmir Preventive Detention Act (13 of 1964), S. 13A (Dec) 1153A

—S. 3 (1) (a) (i)—Detention under S. 3 (1) (a) (i) for six months—Opinion of Advisory Board not obtained by virtue of S. 13A (1) —On expiry of six months, in consequence of further information fresh order of detention issued after cancellation of original order — No proof that Government's action

Public Safety — J. & K. Preventive Detention Act (contd.)

was actuated by ill-will or taken for some collateral purpose — Held, original or fresh order of detention could not be said to be illegal (Dec) 1153B

—S. 3 (1) (a) (i) — Order of detention under S. 3 (1) (a) (i) — Grounds for detention specified in annexure appended to order — Facts relevant except those which the Government considered to be against public interest to disclose, intimated to the detenu — Order held was legal — See Public Safety — Jammu and Kashmir Preventive Detention Act (13 of 1964), S. 8 (2) (Dec) 1153C

—Ss. 8 (2), 3 (1) (a) (i) — Order of detention under S. 3 (1) (a) (i) — Grounds for detention specified in annexure appended to order — Order clearly stating that facts relevant to grounds, except those which the Government considered to be against public interest to disclose, intimated to the detenu — Grounds, held, could not be said to be vague and indefinite merely because annexure was somewhat indefinite and vague due to withholding of those facts (Dec) 1153C

—S. 10 — S. 13A is an exception to S. 10 and other relevant sections — Order of detention with view to detain for more than three months but not more than six months — No necessity to obtain opinion of Advisory Board — See Public Safety — Jammu and Kashmir Preventive Detention Act (13 of 1964), S. 13A (Dec) 1153A

—Ss. 13A, 10 and 3 (1) (a) (i) — Section 13A is an exception to S. 10 and other relevant sections — Order of detention with view to detain for more than three months but not more than six months — No necessity to obtain opinion of Advisory Board (Dec) 1153A

—Preventive Detention Act (4 of 1950), Ss. 3 (1) (a) (ii), 7 (1) — Grounds in support of order in English language served on detenu running into fourteen typed pages and referred to his activities over thirteen years beside referring to large number of court proceedings concerning him and his associates — Mere oral explanation by the Authorities of such complicated order without supplying him translation in script and language which he understood — It amounts to denial of right of being communicated the grounds and of being afforded the opportunity of making representation against the order (Jan) 43A

—S. 3 (1) (a) (ii) — Order under, revoked — Fresh order under S. 13 (2) on same facts not justified — See Public Safety — Preventive Detention Act (1950), S. 13 (2) (Jan) 43B

—S. 3 (2) — Order of detention — Some of

Public Safety — Preventive Detention Act. (contd.)

grounds, irrelevant to public order — Detention order could not be upheld (Nov) 1004A

—S. 3 (2) — Detention on ground of activities prejudicial to maintenance of essential supplies — Fact that detenu could not produce requisition licence or permit could not be regarded as relevant ground for detention (Nov) 1004B

—S. 3 (2) — Grounds for detention — Disturbance which will affect public order can alone justify detention under that head — Allegation of offence under Penal Code for which prosecution could be launched is not ground for detention (Nov) 1004C

—S. 3 (2) — Grounds for detention — One of grounds was that detenu along with his associate committed theft of overhead traction wires including contact wire, disrupting train service — Held, detention might have been justified under head "maintenance of supplies and services essential to community" but not under "maintenance of public order" (Nov) 1004D

—S. 3 (2) — Maintenance of public order — Grounds for detention relating mostly to removal of rice bags in clandestine manner — Grounds cannot be regarded as relevant to maintenance of public order (Nov) 1004E

—S. 3 (2) — Grounds too vague to make any representation with regard to it — Detention order is liable to be set aside (Nov) 1004F

—S. 3 (2) — Grounds for detention — They have to be reasonably proximate in time — Ground relating to incident happening in 1965 — Detention order in 1968 held not justified (Nov) 1004G

—S. 3 (2) — Being drunk and demanding Rs. 2 from a person and threatening him with murder if he failed to pay — This ground is not relevant to maintenance of public order (Nov) 1004H

—S. 3 (2) — That the detenu was suspected to have complicity in an offence under S. 379, I. P. C. committed in 1965 has no relevancy to maintenance of public order — Detention order in 1968 is illegal (Nov) 1004I

—S. 3 (3) — 'Forthwith,' meaning of — Statute requiring particular thing to be done 'forthwith' — It should be understood as allowing reasonable time for doing it — Report to State Government made four days after passing of detention order and two days after arrest and commencement of detention — Held that even if the strict meaning given to expression 'forthwith' in AIR 1957 S C 28

Public safety — Preventive Detention Act (*contd.*)

is applied delay of four days was explained sufficiently by the District Magistrate and there was sufficient compliance with S. 3 (3) (April) 323A

—S. 3 (3)—Approval of State Government to detention not communicated to detenu — Detention not rendered illegal on that ground (April) 323B

—S. 3 (4)—Report to Central Government 'as soon as may be' time under S. 3 (4) can only be calculated from moment matter reached State Government — State Government after receipt of report of detention taking a week for giving its approval and communicating matter to Central Government three days thereafter — State Government cannot be held guilty of unreasonable delay in reporting to Central Government so as to render detention illegal (April) 323C

—S. 7 — Order of detention and grounds of detention supplied to detenu in English though he knew only Bengali and Tripuri — No request by detenu at earlier stage and no objection as to language of grounds raised by detenu in his original petition under Art. 32 in English—Objection raised at stage of rejoinder held could not be entertained especially when detenu was not handicapped thereby (April) 323D

—S. 7—Representation by detenu — Government must consider it immediately even if reference to Advisory Board is to be made —See Constitution of India, Art. 22 (5) (Nov) 1028

—S. 7 (1)—Order made by District Magistrate, not followed up by service within five days, of communication of grounds must be deemed to be invalid—Subsequent detention is invalid—See Public Safety — Preventive Detention Act (1950), S. 3 (1) (a) (ii) (Jan) 43A

—S. 9—Representation by detenu — Government must consider it immediately even if reference to Advisory Board is to be made —See Constitution of India, Art. 22 (5) (Nov) 1028

—Ss. 13 (2), 3 (1) (a) (ii)—Scope of S. 13 (2) —Expression "revocation" in S. 13 (2) is not capable of restricted interpretation — Order under S. 3 (1) (a) (ii) revoked — Fresh order under S. 13 (2) based not on fresh facts — Order is not justified under S. 13 (2) (Jan) 43B

—Trav-Co. Public Safety Measures Act (5 of 1950), S. 3—Suit for damages for breach of contracts in respect of goods purchased by plaintiff on behalf of defendant—Defendant

Public Safety — Trav-Co. Public Measures Act (*contd.*)

refusing to take delivery on due dates—Contracts entered into in February 1952 — S. 3 of the Act found to be valid — Relevant Prohibition Order prohibiting forward contracts continued to remain in force under Proviso to S. 17 (4) of Essential Supplies (Temporary Powers) Act (1946) — Contracts held to be against law — Suit for damages for breach of those contracts held to be not maintainable—AIR 1964 Ker 92, **Reversed** — See Contract Act (1872), S. 73 (June) 504A

—S. 3—Section is not void for non-compliance with proviso to Art. 304—AIR 1964 Ker 92, **Reversed** — AIR 1955 Trav-Co. 82 (FB), AIR 1954 Trav-Co 34 and AIR 1954 Trav-Co 257, **Overruled**—See Constitution of India, Art. 304 (b) Proviso (June) 504B

—S. 73 (2) — Suit for damages for breach of contracts in respect of goods purchased by plaintiff on behalf of defendant— Defendant refusing to take delivery on due dates— Contracts entered into in February 1952 — S. 3 of the Act found to be valid — Relevant Prohibition Order prohibiting forward contracts continued to remain in force under Proviso to S. 17 (4) of Essential Supplies (Temporary Powers) Act (1946) — Contracts held to be against law—Suit for damages for breach of those contracts held to be not maintainable—AIR 1964 Ker 92, **Reversed**— See Contract Act (1872), S. 73 (June) 504A

—**Punjab Cattle Fairs (Regulation) Act (6 of 1968)**, *Preamble*—Punjab State Legislature is competent to enact Punjab Cattle Fairs (Regulation) Act (6 of 1968) by virtue of entry 28 of List 2 of 7th Schedule of Constitution—AIR 1968 Punj 391, **Overruled**— See Constitution of India, Art. 13 (Nov) 1100A

—*Preamble*—Act is constitutionally valid and does not violate Arts. 19 and 31 — See Constitution of India, Art. 13 (Nov) 1100B

—S. 3—Monopoly acquired by State to hold and manage cattle fairs—Does not extend to holding it on property of local authorities or private owners—See Constitution of India, Art. 13 (Nov) 1100B

—Ss. 3, 4 — Powers of State Government to declare fair area may be exercised only in respect of lands belonging to State and not in respect of those belonging to local authorities or individuals — Attempt to prevent persons from conducting business of cattle markets is unauthorised (Nov) 1100C

—S. 4—Monopoly acquired by State to hold and manage cattle fairs — Does not ex-

Punjab Cattle Fairs (Regulation) Act (*contd.*)

tend to hold cattle fairs on property of local authorities or private owner — See Constitution of India, Art. 13 (Nov) 1100B

—S. 4 — Powers of State Government to declare fair area—Exercise of— Mode — See Punjab Cattle Fairs (Regulation) Act (6 of 1968), S. 3 (Nov) 1100C

Punjab Custom (Power to Contest) Act (2 of 1920), S. 8 — Alienation of ancestral land without necessity by Hindu Jat — Suit by competent reversioner—Effect—Declaratory decree enures in favour of all heirs including female heirs — S. A. No. 254 of 1962, D/- 18-11-1963 (Punj), **Reversed** (Dec) 1144A

—S. 8—Alienation of ancestral land without necessity by Hindu Jat in 1916—Decree obtained by competent reversioner in 1920 declaring alienation ineffective against his reversionary interest—Death of alienor after Hindu Succession Act—Held that the latter Act did not retrospectively enlarge the power of the holder of ancestral land and did not nullify the decree obtained before the Act—S. A. No. 254 of 1962, D/- 18-11-1963 Punj **Reversed** (Dec) 1144C

Punjab Legislative Assembly Rules of Procedure and Conduct of Business, R. 7—Prorogation becomes effective from date it is notified in official Gazette of State—Action of Secretary in sending copies to members is ministerial act—R. 7 of Rules of Procedure and Conduct of Business does not add a clause to Art. 174 (2)—See Constitution of India, Art. 174 (2) (Oct) 903B

—R. 105—Speaker adjourning Legislature under R. 105 of Procedure and Conduct of Business in Punjab Legislative Assembly for two months beyond March 31—Impossibility of getting Finance Bill passed before March 31—Governor can prorogue Assembly and get rid of adjournment—Art. 174 (2) does not put any restriction on powers of Governor—His action cannot be questioned on grounds of mala fide, when legislature was not in session—See Constitution of India, Art. 174 (2) (Oct) 903A

—R. 105 — No inconsistency between section 3 of Punjab Ordinance (1 of 1968) and R. 105 of Rules of Procedure and Conduct Business—ILR (1968) 2 Punj & Har 42 (FB), **Reversed**—See Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance (1 of 1968), S. 3 (Oct) 903F

—R. 105—Ruling of Speaker of legislature adjourning the House in face of S. 3 of Punjab Ordinance 1 of 1968, without the mandate from majority, under wrong im-

Punjab Legislative Assembly Rules of Procedure and Conduct of Business (*contd.*)

pression that the Ordinance was invalid, can be questioned—Adjournment is null and void—Speaker's ruling cannot be treated as final under R. 112. ILR (1968) 2 Punj & Har 42 (FB), **Reversed**—See Constitution of India, Art. 226 (Oct) 903G

—R. 112—Ruling of Speaker of legislature, adjourning the House in face of S. 3 of Punjab Ordinance 1 of 1968, without the mandate from majority, under wrong impression that the Ordinance was invalid, can be questioned—Adjournment is null and void—Speaker's ruling cannot be treated as final under R. 112. ILR (1968) 2 Punj & Har 42 (FB), **Reversed**—See Constitution of India, Art. 226 (Oct) 903G

Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance (1 of 1968)—Governor proroguing legislature and promulgating Punjab Ordinance, 1 of 1968, to enable Legislature to transact financial business—Action of Governor cannot be questioned on grounds of error of judgment or mala fides — ILR (1968) 2 Punj & Har 42 (FB), **Reversed** — See Constitution of India, Art. 209 (Oct) 903E

—Preamble— Ordinance promulgated after prorogation of Legislature — Ordinance is valid (Oct) 903D

—S. 3—Section is not ultra vires—Article 209 gives full authority to S. 3—No inconsistency between the section and R. 105 of Rules of Procedure and Conduct of Business —Article 189 (4) cannot be abrogated—ILR (1968) 2 Punj & Har 42 (FB), **Reversed** (Oct) 903F

—S. 3—Ruling of Speaker of legislature, adjourning the House in face of S. 3 of Punjab Ordinance 1 of 1968, without the mandate from majority, under wrong impression that the Ordinance was invalid, can be questioned — Adjournment is null and void—Speaker's ruling cannot be treated as final under R. 112. ILR (1968) 2 Punj. & Har 42 (FB) **Reversed**.—See Constitution of India, Art. 226 (Oct) 903G

Punjab Panchayat Samities and Zilla Parishads Act (3 of 1961)

See under Panchayats.

Punjab Panchayat Samities and Zilla Parishads Non-Official Members (Payment of Allowances) Rules (1965)

See under Panchayats.

Punjab Police Rules (1934)

See under Civil Services.

Punjab Relief of Indebtedness Act (7 of 1934)

See under Debt Laws.

Punjab Sales Tax Act (46 of 1948)

See under Sales Tax.

Punjab Security of Land Tenures Act (10 of 1953)

See under Tenancy Laws.

Railway Coaching Tariff Rules, R. 108 (2) (8)

—Coal consigned to Company by Colliery on orders and sanction of Deputy Coal Commissioner (Distribution) under Colliery Control Order, 1945 which was then in force—Sanction and order at instance of Company—Wagons supplied by Railway on order by Coal Commissioner—Refusal of Company to take delivery—Railway selling coal and suing company for demurrage—Normally consignee is liable—On facts also that Colliery acted as an agent of company—Duty of Railway pointed out—Extent of liability of consignee—See Railways Act (1890), S. 56 (Mar) 193

Railway Establishment Code

See under Civil Services.

Railways Act (9 of 1890) S. 2 (13)—Word rates merely mean scale or amount of any other charges—See Railways Act (1890), S. 41 (1) (c) (Aug) 630B

—S. 3 (6) (prior to its amendment in 1961),—Service of notice on Chief Commercial Manager (Claims and Refunds) of Bengal and Assam Railway held sufficient—AIR 1962 Cal 42, Reversed—See Railways Act (1890) (prior to its amendments in 1961), S. 77 (Jan) 23A

—S. 29 (2)—Word rates merely means scale or amount of any other charges—Definition of word 'rate' cannot possibly be applied to S. 29 (2)—See Railways Act (1890), S. 41 (1) (c) (Aug) 630B

—S. 41—Complaint under S. 41 of Railways Act by a company provided with assisted siding—Question of revision of hauling charges—Railway Tribunal is competent to decide question—See Constitution of India Art. 136 (Aug) 630A

—Ss. 41(1) (c), 29 (2), 2 (13)—Word "rates" merely means scale or amount of any other charges—Definition of word "rate" cannot possibly be applied to Sec. 29 (2)—Complaint against hauling charges under S. 41 (1) (c) is maintainable (Aug) 630B

—S. 56—Coal consigned to Company by Colliery on orders and sanction of Deputy Coal Commissioner (Distribution) under Colliery Control Order, 1945 which was then in force—Sanction and order at instance of Company—Wagons supplied by Railway on order by Coal Commissioner—Refusal of Company to take delivery—Railway selling coal and suing company for demurrage—Normally consignee is liable—On facts also held, that Colliery acted as agent of company and was responsible for payment of freight and demurrage charges—Duty of Railway pointed out—Extent of liability of consignee

Railways Act (contd.)

—Contract Act (1872), Ss. 2, 186 and 149—Railway Coaching Tariff Rules, R. 108 (2) and (8)—Tort—Damages—Duty to minimise (Mar) 193

—S. 72 (before its amendment in 1961)—Claim against State owned Railway—It does not behove the State to contest a good claim on the off-chance of success on some unsubstantial technical plea—See Constitution of India, Art. 300 (Jan) 23C

—S. 74-C (3)—Proof of negligence—Duty of Railway administration to disclose how consignment was dealt with—It is only if negligence cannot be inferred from Administration's evidence, that burden of proving negligence shifts to consignor—See Railways Act (1890), S. 74-D (Oct) 817A

—S. 74-D and 74-C (3)—Proof of negligence—Duty of Railway administration to disclose how consignment was dealt with—It is only if negligence cannot be inferred from Administration's evidence that burden of proving negligence shifts to consignor (Oct) 817A

—Ss. 74-E—Section does not enlarge liability of railway administration to which consignment was not delivered—Such administration can be sued only if loss occurred on its railway—S. 74-E does not restrict liability imposed by S. 80—See Railways Act (1890), S. 80 (Oct) 817B

—Ss. 77, 140 and 3 (6) (prior to its amendment in 1961)—Notice—Bengal and Assam Railway—Service on Chief Commercial Manager (Claims and Refunds), held sufficient—AIR 1962 Cal 42, Reversed (Jan) 23A

—Ss. 80 and 74-E—Goods booked through over railway of two railway administrations—Loss caused by negligence—Suit for compensation for loss can be brought against administration to which goods were delivered irrespective of whether loss occurred on that Railway—S. 74-E does not affect liability under S. 80—AIR 1920 Oudh 70 & AIR 1956 Cal 390, Overruled (Oct) 817B

—S. 140 (Prior to its amendment in 1961)—Service of notice on Chief Commercial Manager (Claims and Refunds) of Bengal and Assam Railway held sufficient—AIR 1962 Cal 42, Reversed. See Railways Act (1890) (prior to its amendment in 1961) S. 77 (Jan) 23A

Rajasthan Premises (Control of Rent and Eviction) Act (17 of 1950)

See under Houses and Rents.

Rajasthan Sales Tax Act (29 of 1954)

See under Sales Tax.

Rajasthan Sales Tax Rules (1955)

See under Sales Tax.

Registration Act (16 of 1908), S. 17—Documents of which registration is necessary

Registration Act (contd.)

under T. P. Act but not under Registration Act—Documents fall within scope of S. 49—AIR 1928 All 726 (FB) and AIR 1921 Mad 337 (FB) and AIR 1917 Bom 203, held no longer good law in view of T. P. (Amendment) Supplementary Act (21 of 1929) — See Registration Act (1908), S. 49 (Dec) 1316A

—S. 17 (1) (b) — Non-testamentary instrument creating charge of value of Rs. 100/- or upwards must be registered under S. 17 (1) (b) — But there is no provision requiring that instrument creating charge must be attested — AIR 1939 Mad 202 and AIR 1940 Mad 140, **Overruled**; O.S.A. Nos. 65, 70, 71 of 1956, D/- 23.7-1961 (Mad) **Reversed** — See Transfer of Property Act (1882), S. 100 (Dec) 1147B

—S. 47 — Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act (12 of 1962), S. 16 — Right of reconveyance under S. 16 — Accrual of — It accrues only when registration of sale deed is completed as required by Ss. 60 and 61 Registration Act and not before — See Tenancy Laws — Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act (12 of 1962), S. 16 (Mar) 244C

—Ss. 49, 17 — Transfer of Property Act (1882), Ss. 54, 4 — Documents of which registration is necessary under T. P. Act but not under Registration Act — Documents fall within scope of S. 49 of Registration Act — AIR 1928 All 726 (FB) and AIR 1921 Mad 337 (FB) & AIR 1917 Bom 203, Held no longer good law in view of T. P. (Amendment) Supplementary Act (21 of 1929) (Dec) 1316A

—S. 59 — Registering officer putting his signature on document in discharge of his duty under S. 59 — He is not attesting witness under S. 3, T. P. Act — See Transfer of Property Act (1882), S. 3 (Dec) 1147A

—S. 60 — Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act (12 of 1962), S. 16 — Right of reconveyance under S. 16 — Accrual of — It accrues only when registration of sale deed is completed as required by Ss. 60 and 61, Registration Act and not before — See Tenancy Laws—Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act (12 of 1962), S. 16 (Mar) 244C

—S. 61 — Tenancy Laws — Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act (12 of 1962), S. 16 — Right of reconveyance under S. 16 — Accrual of — It accrues only when registration of sale deed is completed as required by Ss. 60 and 61, Registration Act and not before — See Tenancy Laws — Bihar

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Representation of the People Act (43 of 1951), S. 7 (d) — Contract by acceptance of tender by State Government not complying with Art. 299 (1) of Constitution—Contract treated as binding subsisting contract by parties — Person entering into contract incurs disqualification for membership to State Legislature — See Representation of People Act (1951), S. 9A (Apr) 302B

—S. 9-A, *Explanation* — Applicability — Contract not fully performed by contractor — No evidence to show termination of contract by mutual consent — Explanation does not apply (Apr) 302A

—Ss. 9-A and 7 (d) — Disqualification for membership to State Legislature — Contract by acceptance of tender by State Government not complying with Art. 299 (1) of Constitution — Contract treated as binding subsisting contract by parties — Person entering into contract incurs disqualification (Apr) 302B

—S. 9-A — Agreement by partnership firm with Government to construct road and buildings — Contractor also agreeing to repair for stipulated period all defective parts in execution of contract—Non-completion of certain items covered by contracts—Held, contract was subsisting and partner of firm was disqualified to contest — Election Petn. No. 8 of 1967, D/- 15.9-1967 (Mys), **Reversed** (June) 447A

—S. 9-A — Contract of construction of road and building with State Government — The fact that contract was signed by Executive Engineer and not by Secretary to the Government as required by Art. 299 of Constitution of India does not save bar of election law to candidature (June) 447B

—S. 9-A—Only two contesting candidates — Returned candidate under statutory disqualification at date of filing nomination paper — No fresh poll is necessary — The other contesting candidate can be declared elected — AIR 1960 S C 131, **Overruled**—See Representation of the People Act (1951), S. 84 (July) 604

—S. 10 — Transfer of undertaking from Government to a company — Indirect control exercisable by Government — Post of superintendent, Safety Engineering Department of company is not office of profit under Government and not disqualified under Art. 191 (1) (a) — See Representation of the People Act (1951), S. 100 (1) (a) (Sep) 744B

—S. 33 — Plea about affirmation — Can be allowed to be raised for first time in appeal

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as alternative legal position—See Representation of the People Act (1951), S. 116-A

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—Ss. 33 (5), 36 (2) (b) — Requirements of valid nomination paper — Non-compliance—Candidate merely producing certificate from officer who was not authorised to issue certified copy of electoral roll — Certificate based on gist of relevant entry given in affidavit of candidate attached to such certificate — Returning Officer is justified in rejecting nomination paper under S. 36 (2) (b) (May) 395A

—S. 36 (2) (a) — Filing of nomination paper—Failure to subscribe oath or affirmation before authorised officer — Nomination paper is liable to be rejected — See Constitution of Jammu and Kashmir (1956), S. 51 (a) (Dec) 1111

—S. 36 (2) (a) — Plea about affirmation — See Representation of the People Act (1951), S. 116-A (Nov) 1034A

—S. 36 (2) (a) — Oath or affirmation must be before date of scrutiny. AIR 1968 Mys 18, **Reversed** — See Constitution of India, Art. 173 (a) (Nov) 1034B

—S. 36 (2) (a) — Candidate nominated for more than one constituency — No necessity of repeated affirmation contemplated under Art. 173 (a). AIR 1968 Mys 18, **Reversed** on another point — See Constitution of India, Art. 173 (a) (Nov) 1034D

—S. 36 (2) (b) — Requirements of valid nomination paper — Non-compliance—Candidate merely producing certificate from officer who was not authorised to issue certified copy of electoral roll — Certificate based on gist of relevant entry given in affidavit of candidate attached to such certificate—Returning officer is justified in rejecting nomination paper — Order of rejection cannot be recalled on subsequent production of relevant evidence — See Representation of the People Act (1951), S. 33 (5) (May) 395A

—S. 37—Candidate duly nominated continues to be so for purpose of S. 82 (b) inspite of his withdrawal — See Representation of the People Act (1951), S. 86 (1) (Aug) 677A

—S. 53—Only two contesting candidates — Returned candidate under statutory disqualification at date of filing nomination paper — No fresh poll is necessary — The other contesting candidate can be declared elected. AIR 1960 SC 131, **Overruled**—See Representation of the People Act (1951), S. 84 (July) 604

—S. 77—Expression 'expenditure in connection with election incurred or authorised' in S. 77 (1), meaning of — Payment to

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secure a seat is an expenditure in connection with election—Deposit made by returned candidate for securing congress ticket forfeiting between the two dates prescribed under S. 77 (1)—Amount of deposit if included in return of election expenses declared by him exceeding the prescribed limit — Held, there was contravention of S. 77 (3) and the candidate was guilty of corrupt practice under S. 123 (6) read with S. 77 (3) — See Representation of the People Act (1951), S. 123 (6) (Apr) 288

—S. 81 (as amended in 1966) — One of the candidates made to withdraw on payment to him of illegal gratification by another candidate—Taint of corrupt practice attaches both to the payee and payer of illegal gratification—Candidate withdrawing is a necessary party to election petition — See Representation of the People Act (1951) (as amended in 1966), S. 82 (Oct) 872A

—Ss. 81, 82, 86 (5), 87, 116-A (as amended in 1966)—Election petition — Necessary party not joined within limitation for filing petition—High Court has no power to allow addition after limitation — Limitation Act does not apply — Civil P. C., O. 6, R. 17 and O. 1, R. 10 have no application—Application will be dismissed (Oct) 872B

—S. 81—Election petition—Presentation—Petition presented to registry by advocate's clerk in immediate presence of petitioner — Held, that in substance though not in form it was presented by the petitioner himself and the requirement of law was fully satisfied (Nov) 1024A

—Ss. 82, 81 and 100 (as amended in 1966) — One of the candidates made to withdraw on payment to him of illegal gratification by another candidate—Taint of corrupt practice attaches both to the payee and payer of illegal gratification—Candidate withdrawing is a necessary party to election petition (Oct) 872A

—S. 82 (as amended in 1966)—Election petition — Necessary party not joined within limitation for filing petition — High Court has no power to allow addition after the limitation — Limitation Act does not apply — Civil P. C., O. 6, R. 17 and O. 1, R. 10 have no application — See Representation of the People Act (1951 as amended in 1966), S. 81 (Oct) 872B

—S. 82 (b)—Election petition — Candidate against whom charge of corrupt practice is made must be joined as party — Candidate duly nominated continues to be so for purpose of S. 82 (b) inspite of his withdrawal — See Representation of the People Act (1951), S. 86 (1) (Aug) 677A

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—S. 82 (b)—Election Petitions — Amendment of petition and joining of parties — Question whether Ss. 4 to 25 of Limitation Act apply (Quaere) — See Representation of the People Act (1951), S. 83 (Aug) 677B

—Ss. 83, 86, 82 (b)—Limitation Act (1963), S. 29 (2)—Election petitions—Amendment of petition and joining of parties — Question whether Ss. 4 to 25 of Limitation Act apply (Quaere) (Aug) 677B

—S. 83—Election petition — Pleading and proof — Plea of corrupt practice of hiring or procuring motor cars to carry voters—Particulars of cars and voters given—Connection of candidate with use of cars sufficiently pleaded — As to who hired or procured cars is matter of evidence—See Representation of the People Act (1951), S. 125 (5) (Aug) 692B

—S. 83—Section is mandatory — Distinction between material facts and particulars — The entire and complete cause of action must be stated in the petition in the shape of material facts — Function of particulars is to give necessary information to present full picture of the cause of action (Dec) 1201B

—S. 83 (1) (c)—Corrupt practice by undue influence must be pleaded — Pleadings must set out full facts — See Representation of the People Act (1951), S. 123 (2) (July) 583A

—S. 83 (1) (b)—Election petition—Candidate against whom charge of corrupt practice is made must be joined as party—Candidate duly nominated continues to be so for purpose of S. 82 (b) in spite of his withdrawal—See Representation of the People Act (1951), S. 86 (1) (Aug) 677A

—S. 83 (1) (b) — Mandatory provision — Particulars of corrupt practice in election petition — Evidence cannot be adduced regarding charge not disclosed in particulars (Aug) 734A

—Ss. 84, 101, 9-A and 53 (as amended by Act 47 of 1966)—Only two contesting candidates — Returned candidate found to be under statutory disqualification at date of filing nomination paper — Votes cast in his favour may be regarded as thrown away, irrespective of whether voters who voted for him were aware of the disqualification—No fresh poll is necessary — The other contesting candidate can be declared elected. AIR 1960 SC 131, Overruled (July) 604

—S. 86—Election petitions— Amendment of petition and joining of parties—Question whether Ss. 4 to 25 of Limitation Act apply (Quaere) — See Representation of the People Act (1951), S. 83 (Aug) 677B

—Ss. 86 (1), 82 (b), 79, 37, 83 (b)—Election petition—Candidate against whom charge of

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corrupt practice is made must be joined as party—Candidate duly nominated continues to be so for purpose of S. 82 (b) in spite of his withdrawal (Aug) 677A

—S. 86 (5) (as amended by Act 47 of 1966) —Particulars of corrupt practice in election petition — Leave to amend, when can be granted (Aug) 734B

—S. 86 (5) (as amended by Act 47 of 1966) —Particulars of corrupt practice in election petition—Grant of amendment in particulars resulting in manifest injustice — Supreme Court has power and duty to remedy it. Election Petition No. 22 of 1967, D/- 23.4.1968 (Guj), Reversed—See Representation of the People Act (1951) (as amended by Act 47 of 1966), S. 116-A (Aug) 734C

—S. 86 (5)—Election petition—Necessary party not joined within limitation for filing petition—High Court has no power to allow addition after the limitation — Limitation Act does not apply — Civil P. C., O. 6, R. 17 and O. 1, R. 10 have no application — See Representation of the People Act (1951 as amended in 1966), S. 81 (Oct) 872B

—S. 86 (5) — Power of amendment—Corrupt practice by an agent other than election agent alleged in the petition—Particulars alleging corrupt practice by returned candidate, cannot be supplied by way of amendment (Dec) 1201C

—S. 87 — Election petition—Necessary party not joined within limitation for filing petition — High Court has no power to allow addition after the limitation—Limitation Act does not apply—Civil P. C. O. 6, R. 17 and O. 1, R. 10 have no application — See Representation of the People Act (1951 as amended in 1966), S. 81 (Oct) 872B

—S. 90—Election petition—Allegation of corrupt practice — Application under O. 16, R. 14, Civil P. C. to examine one P — Petitioner's version found to be not true — Held, there was no compelling reason for High Court to examine P as a Court witness or even to draw inference from failure to examine P — AIR 1963 Mys 18, Reversed on another point (Nov) 1034E

—Ss. 90 (1), 123 (5), 98—Election Tribunal has power under O. 16, R. 14, C. P. C. to suo motu summon court witnesses (Aug) 692A

—S. 99 (a) (1) (ii)—Name of candidate appearing to be connected with corrupt practice—Proof whereof, not before Court but can be brought—Court has power to name him guilty of corrupt practice after giving him notice—See Representation of the People Act (1951), S. 90 (1) (Aug) 692A

—S. 98—Evidence of Retuning Officer—Value of—AIR 1963 Mys 18 Reversed on

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another point — See Evidence Act (1872), S. 3 (Nov) 1034F
 —S. 99—Section does not apply to person who is not a necessary party (Oct) 872C

—S. 99 (1) (a) (ii) — Power to name persons guilty of corrupt practice, can be exercised by passing supplementary order—There is no need to review original order (Aug) 692D

—S. 100—Absence of proof of free conveyance of voters in particular vehicle — Election of returned candidate cannot be declared as void—See Representation of the People Act (1951), S. 123 (5) (July) 586A

—S. 100—Election petition—Plea—Contention about wrong refusal of demand of general recount—Absence of plea in this regard—Mention of general recount only in relief clause of petition—Held under the circumstances, that there was no room for further count—See Representation of the People Act (1951), S. 116A (July) 586B

—S. 100—Costs in Supreme Court Appeals — Dismissal of election petition as well as appeal therefrom—Prevarications of returned candidate not attempted to be explained by his counsel — Petitioner not allowed any costs either in Supreme Court or in High Court—See Civil P. C. (1908), S. 35 (July) 586C

—S. 100—One of the candidates made to withdraw on payment to him of illegal gratification by another candidate—Taint of corrupt practice attaches both to the payee and payer of illegal gratification—Candidate withdrawing is a necessary party to election petition—See Representation of the People Act (1951 as amended in 1966), S. 82 (Oct) 872A

—S. 100—Plea that affirmation should have been made before date of scrutiny taken for first time in appeal — Effect — See Representation of the People Act (1951), S. 116A (Nov) 1034A

—S. 100 (1) (a)—Disqualification—Industrial Disputes Act (1947), Ss. 25FF, 2 (S)—Transfer of Government undertaking to a company—Workman thereof ceases to be Government servant — Election to Legislative Assembly—Workman is not disqualified to be a candidate under Art. 191 (1) (a) of Constitution (Sep) 744A

—S. 100 (1) (a)—Transfer of undertaking from Government to a Company—Indirect control exercisable by Government because of its power to appoint directors and to give general directions—Post of Superintendent, Safety Engineering Department of Company is not office of profit under Government—

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—Ss. 100 (1) (b), 100 (1) (d), 123 (4)—Corrupt practice charged against an agent other than election agent — Petitioner must prove consent on the part of returned candidate to the commission of corrupt practice — Consent on the part of returned candidate if not proved, case will fall under S. 100 (1) (d) not under S. 100 (1) (b)—Proof that the corrupt practice materially affected the poll must be adduced (Dec) 1201A

—Ss. 100 (1) (d) (ii)—Election to be void under—That the election was materially affected, in so far as the returned candidate was concerned, requires proof, and cannot be considered on possibility (Dec) 1201F

—S. 100 (1) (d) (iv) — Election Petition—Election in contravention of Act and rules — Election petitioner must further prove that result of election has been materially affected—Ele. Petn. Case No. 2 of 1967, D/- 10-1-1968 (Mani), Reversed (Aug) 663A

—S. 100 (1) (d) (iv)—Burden to prove that election was materially affected—Burden placed on election petitioner even though very strict, Courts should apply it—It is for Legislature and not for Courts to consider whether it is to be altered — See Civil P. C. (1908), Pre—Interpretation of Statutes (Aug) 663B

—S. 101—Only two contesting candidates — Returned candidate under statutory disqualification at date of filing nomination paper—Votes cast in his favour may be regarded as thrown away — No fresh poll is necessary—The other contesting candidate can be declared elected. AIR 1960 S C 131, Overruled — See Representation of the People Act (1951), S. 84 (July) 604

—S. 101—Voting by single transferable vote—More than two candidates contesting — Election petition on ground of corrupt practice of hiring or procuring motor vehicles to carry voters successful — Election of returned candidates set aside — Candidate getting next highest number of votes cannot be declared elected because that would be guess work — Elen. Petn. No. 11 of 1967 D/- 28-5-1968 (Mad), Reversed (Aug) 692C

—S. 112, 116—Election petition alleging corrupt practice — Dissolution of Assembly — Petition does not abate (Nov) 1024B

—S. 116—Election petition alleging corrupt practice—Dissolution of Assembly — Petition does not abate — See Representation of the People Act (1951), S. 112 (Nov) 1024B

—S. 116A—Appeal to Supreme Court—Finding of fact and appreciation of evidence

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of fact and appreciation of evidence — Practice—Supreme Court should be slow to depart from the conclusion of the trial Judge (May) 395B
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—*S. 116A*—Costs in Supreme Court Appeals—Dismissal of election petition as well as appeal therefrom—Prevarications of returned candidate not attempted to be explained by his counsel — Petitioner not allowed any costs either in Supreme Court or in High Court—*See Civil P. C. (1908), S. 35* (July) 586C
—*S. 116A*—Appeal under — Argument running counter to allegation in amendment petition cannot be entertained (Aug) 677C
—*Ss. 116A and 86 (5) (as amended by Act 47 of 1966)*—Particulars of corrupt practice in election petition—Grant of amendment in particular resulting in manifest injustice — Supreme Court has power and duty to remedy it. Election Petition No. 22 of 1967, D/ 23-4-1968 (Guj), **Reversed** (Aug) 734C
—*S. 116A*—Election petition—Necessary party not joined within limitation for filing petition — High Court has no power to allow addition after the limitation—*See Representation of the People Act (1951 as amended in 1966), S. 81* (Oct) 872B
—*S. 116A*—Appreciation of evidence — Findings of fact by High Court are entitled to weight (Nov) 1024C
—*Ss. 116A, 100, 33, 36 (2) (a)*—Appeal against dismissal of election petition against N—Alternative legal position that affirmation should have been made before date of scrutiny taken for first time—Appellant allowed to raise this plea—N held not debarred from putting forward alternative case in reply (Nov) 1034A
—*S. 123*—Election petition — Charge of corrupt practice — Speeches made during election campaign—Notes taken down by members of police force—Speeches, as evidence of corrupt practice, can be proved by producing members of police force as witnesses—*See Evidence Act (1872), S. 160* (Oct) 851A
—*S. 123*—Corrupt practice charged against an agent other than election agent—Consent on part of returned candidate if not proved case will fall under *S. 100 (1) (d)* and not under *S. 100 (1) (b)*—*See Representation of the People Act (1951), S. 100 (1) (b)* (Dec) 1201A

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—*S. 123 (2) (u)* — Corrupt practice — Undue influence—Speech exhorting voters that if they voted for the Congress or a Congress candidate they would be committing the sin of go-hatya amounts to an attempt to induce voters to believe that they would become objects of divine displeasure or spiritual censure falling within the mischief of *S. 123 (2) (ii)* (May) 395C
—*Ss. 123 (2) and 83 (1) (c)*—Corrupt practice by undue influence must be pleaded—Pleadings must set out full facts (July) 583A
—*S. 123 (2), Proviso (a), Cl. (u)*—Speaker warning that vote for Congress would make the voter partner in sin of go-hatya — Speech, held fell under the provision, in view of status and character of speaker and audience (Aug) 734D
—*S. 123 (2) and (3)*—Law does not place any bar on describing a party as irreligious (Oct) 851B
—*S. 123 (2) and (3)*—Applicability—Inference under—Can be drawn only if statement is made by person who is religious head of majority of electors in the Constituency (Oct) 851C
—*S. 123 (2) and (3)*—Appeal to voters to vote for particular person because he is Brahmin and one minister must be a Brahmin—It is an appeal to vote on ground of that person's caste (Per Majority: Hegde, J., **Dissenting**) (Oct) 851D
—*S. 123 (4)*—Publication of statement of some fact which is false is essential in order to bring case under *S. 123 (4)* (July) 583B
—*S. 123 (4)* — Corrupt practice by an agent other than election agent—Consent of returned candidate to the commission of—Direct or circumstantial evidence necessary to prove consent—Mere knowledge or connivance or similarities of ideas not enough to infer consent (Dec) 1201E
—*Ss. 123 (5), 100*—Scope—Proof of ingredients—Burden lies on election petitioner—Absence of proof of free conveyance of voters in particular vehicle—Election of returned candidate cannot be declared void (July) 586A
—*S. 123 (5)*—Election Tribunal has power under O. 16, R. 14, Civil P. C., to suo motu summon Court witnesses—*See Representation of the People Act (1951), S. 90 (1)* (Aug) 692A
—*Ss. 123 (5), 83* — Election petition — Pleading and proof—Plea of corrupt practice of hiring or procuring motor cars to carry voters—Particulars of cars and voters given—Connection of candidate with use of cars sufficiently pleaded — As to who hired or procured cars is matter of evidence (Aug) 692B

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—*Ss. 123 (6) and 77*—Expression 'expenditure in connection with election incurred or authorised' in S. 77 (1), meaning of—Payment to party to secure a ticket for standing as party candidate is an expenditure in connection with election—Deposit made by returned candidate for securing Congress ticket forfeited in accordance with party rules between the two dates prescribed under S. 77 (1)—Amount of deposit if included in return of election expenses declared by him exceeding the prescribed limit—Held, there was contravention of S. 77 (3) and the candidate was guilty of corrupt practice under S. 123 (6) read with S. 77 (3) (Apr) 288

Rules of Procedure and Conduct of Business in Lok Sabha—*R. 300 (as framed under Art. 118 (2), Constitution of India)*—Rule envisages that requirement of R. 81 in respect of amendment moved in house will have to be complied with when similar amendment is moved in select committee—*See* Constitution of India, Art. 304 (b), Proviso (June) 504B

—*R. 81 (as framed under Art. 118 (2), Constitution of India)*—Rule 81 deals with procedure when an amendment is moved—*See* Constitution of India, Art. 304 (b), Proviso (June) 504B

—*R. 65 (2) (as framed under Art. 118 (2), Constitution of India)*—Sub-rule (2) ensures compliance with proviso to Art. 304, Constitution of India—*See* Constitution of India, Art. 304 (b), Proviso (June) 504B

SALES TAX

—**Central Sales Tax Act (74 of 1956), S. 2 (b)**
—**Madras General Sales Tax Act (1 of 1959), S. 2 (g)**—Business of manufacture and sale of machinery and its parts—Purchase of arc furnaces for use in foundry of the assessee—On finding them unsuitable, furnaces sold at profit—Proceeds of sale do not form part of business turnover—He cannot be deemed as dealer in arc furnaces (May) 348

—*Ss. 8 (2), (2A) and (5)*—Not ultra vires Arts. 301 and 303 (1)—Writ Petn. No. 836 of 1966, D/- 7-4-1967 (Mad), **Reversed**—*See* Constitution of India, Art. 301 (Feb) 147

—*S. 14*—Seeds separated by ginning cotton is not cotton itself—Orders in L. P. Appeals Nos. 33, 36 and 100 of 1965 dated 10-2-1965 and No. 74 of 1965 dated 31-3-1965 (Punjab High Court), judgment and order in Civil Court No. 2159 and 2309 of 1963 dated 28-9-1964 (Punjab High Court), **Reversed**—*See* Sales Tax—Punjab Sales Tax Act (46 of 1948), S. 5 (2) (a) (vi) (Nov) 1073

—*S. 15*—Purchase of unginced cotton—Sale, after ginning, of ginned cotton and cotton seeds separately to registered dealers—

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—**Kerala General Sales-tax Act (15 of 1963), S. 2 (viii) Cl. (e)**—"Produced"—Meaning—Sale of trees of spontaneous growth—Not taxable (Nov) 930

—**M. B. Sales Tax Act (30 of 1950), S. 17**—Suit for declaration that provisions of law relating to assessment were ultra vires and for refund of tax illegally collected was not barred by S. 17—*See* Civil Procedure Code (5 of 1908), S. 9 (Jan) 78

—**M. P. General Sales Tax Act (2 of 1959), S. 2 (d)**—"Dealer"—Who is—Person carrying on business of buying is also a dealer (Dec) 1276B

—*S. 7*—Purchase of taxable commodities in course of business by dealer—Consumption thereof otherwise than in manufacture of goods for sale—Purchase price of commodities is liable to tax (Dec) 1276C

—*S. 18 (5)*—**M. P. General Sales Tax Rules (1959), Rule 33**—Requirement under, of giving 15 days' period to show cause against assessment—Non-compliance with—Does not invalidate notice under S. 18 (5) in absence of any prejudice to assessee (Dec) 1276A

—**M. P. General Sales Tax Rules (1959), R. 33**—Requirement of giving 15 days' period to show cause against assessment—Non-compliance with—Does not invalidate notice under S. 18(5) of M. P. General Sales Tax Act in absence of any prejudice to assessee—*See* Sales Tax—M. P. General Sales Tax Act (2 of 1959), S. 18 (5) (Dec) 1276A

—**Madras General Sales Tax Act (1 of 1959), S. 2 (g)**—Business of manufacture and sale of machinery and its part—Purchase of arc furnaces for use in foundry of the assessee—On finding them unsuitable, furnaces sold at profit—Proceeds of sale do not form part of business turnover—He cannot be deemed as dealer in arc furnaces—*See* Sales Tax—Central Sales Tax Act (1956), S. 2 (b) (May) 348

—**Punjab Sales Tax Act (46 of 1948), S. 5 (2) (a) (vi)**—Central Sales Tax Act (1956), Ss. 14, 15—Purchase of unginced cotton—Sale, after ginning, of ginned cotton and cotton-seeds

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separately to registered dealers — Purchase tax paid on unginned cotton — Assessee not entitled to deduction of sale price of cotton-seeds under S. 5 (2) (a) (vi) — Orders in L. P. A. Nos. 38, 36, 100 and 74 of 1965, D/- 10-2-1965, 31-3-65 and 19-3-65 respectively (Punj.) and the judgment and order in Civil Writ Nos. 2159 and 2309 of 1963, D/- 28-9-1964, (Punj.), **Reversed**; (1964) 15 S T C 865 (Punj.) **Overruled** (Nov) 1073

—**Rajasthan Sales Tax Act (29 of 1954), S. 2 (o)**—Sale — Works contract — Contract for fixing special type of steel windows as per specifications — Predominant idea being fixing of windows — 'Fixing,' held would require special technical skill and contract is a works contract and not contract of sale (Dec) 1245

—**S. 2 (o), (s) and (t)**—Agreement between State and assessee acting as agent of coal company—Supply to coal by assessee—Price fixed under Colliery Control Order — Transaction held one of sale of goods. ILR (1965) 15 Raj 603, **Reversed** — *See* Sales Tax — Rajasthan Sales Tax Act (29 of 1954), S. 3 (May) 343A

—**Ss. 3, 2 (o), (s) and (t)** — Colliery Control Order (1945), Cl. 4 — Turnover from sale of goods—Liability to tax — Essential elements — Agreement between State and assessee acting as agent of a Coal Company to sell coal—Price fixed under Colliery Control Order — Effect of Control Order — Supply of coal by assessee — Transaction held one of sale of goods — Turnover liable to tax. ILR (1965) 15 Raj 603, **Reversed** (May) 343A

—**S. 3**—Inter-State sales — Order of assessment of sales tax for entire assessment year 1955-56—S. 3 of Act of 1956 validating levy of sales tax on inter-State sales till 6th September 1955 — Writ of mandamus can be issued directing State not to realise sales tax except with regard to transactions of sale between the period April, 1955 and 6th September 1955 both days inclusive—ILR (1965) 15 Raj 603, **Reversed**—*See* Sales Tax—Sales Tax Laws Validation Act (1956), S. 2 (May) 343B

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—**S. 19**—Grant by ruler of erstwhile state of Virpur confirmed by Government of India subject to condition that grantee would not evict cultivators from land—Grant accepted

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by grantee subject to conditions—By a notification under S. 2 (15) of the Act grantee declared to be a Girasdar subject to provisions of S. 18—Application by grantee under S. 19 as Girasdar for order of allotment of land for personal cultivation, held incompetent—*See* Tenancy Laws — Saurashtra Land Reforms Act (25 of 1951), S. 18 (May) 370

—**S. 20**—Grant by ruler of erstwhile State of Virpur confirmed by Government of India subject to condition that grantee would not evict cultivators from land—Grant accepted by grantee subject to conditions—By a notification under S. 2 (15) of the Act grantee declared to be a Girasdar subject to provisions of S. 18—Application by grantee under S. 19 as Girasdar for order of allotment of land for personal cultivation, held incompetent — Grantee was bound by conditions annexed to grant and Mamlatdar could not pass an order enabling him to evict the tenants—*See* Tenancy Laws — Saurashtra Land Reforms Act (25 of 1951), S. 18 (May) 370

—**S. 20**—Mortgagee, not otherwise tenant under S. 6 in possession of land—Land, held by Mamlatdar to be Khalsa and full assessment ordered under S. 20—Occupancy rights not granted—Rights of mortgagor not extinguished under Act—Court can scale down debts under Debtors Relief Act — *See* Debt Laws — Saurashtra Agricultural Debtors Relief Act (23 of 1954), S. 29 (Dec) 1196

—**Sonthal Parganas Settlement Regulation (3 of 1872), Ss. 11 and 25-A** — Effect of S. 11 — Question as to invalidity of exchange neither raised nor decided by settlement officer or Court—Bar of suit under S. 11 cannot apply (Mar) 204F

—**S. 25-A** — Effect on S. 11 — Question as to invalidity of exchange neither raised nor decided by Settlement Officer or Court — Neither S. 11 nor S. 25A has application — *See* Sonthal Parganas Settlement Regulation (3 of 1872), S. 11 (Mar) 204F

—**S. 27**—Scope—New plea—Plea as to invalidity of exchange of riyati holding under S. 27 at the stage of arguments in second appeal—High Court held, bound to take notice of it—AIR 1964 Pat 254, Reversed—*See* Civil P. C. (1908), S. 100 (Mar) 204A

—**S. 27 (1)** — Person setting up invalidity of transfer by way of exchange under S. 27 (1), Sonthal Parganas Settlement Regulation — Burden of proving that subject-matter of exchange was raiyati land situate in Sonthal Parganas lies on him — Discharge of onus—Onus shifts to other side to show that transfer comes within exception to rule laid down in S. 27 (1) and he must show that

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record of rights contained an entry authorising transferor to transfer raiyati land—AIR 1964 Pat 254, **Reversed** — See Evidence Act (1872), Ss. 101 to 104 (Mar) 204B

—S. 27 (1) — Section is wide enough to include exchange of lands as it involves transfer of property (Mar) 204D

—S. 27 (1)—Effect of repeal — Exchange of raiyati land situate in Sonthal Parganas for land situate in it — Transaction is invalid — Subsequent repeal of section cannot affect invalidity of exchange—See General Clauses Act (1897), S. 6 (Mar) 204E

—**Sonthal Parganas Tenancy (Supplementary) Provisions Act (14 of 1949), S. 3** — Effect of repeal—Repeal of Ss. 27 and 28 of Sonthal Parganas Settlement Regulation by Bihar Act 14 of 1949 cannot affect the invalidity of exchange of raiyati lands effected before repeal —See General Clauses Act (1897), S. 6 (Mar) 204E

—**U. P. Tenancy Act (17 of 1939), Ss. 168, 271 (2)**—Civil P. C. (1908), S. 47 — Rent decree—Order under S. 168 directing delivery of possession to decree-holder—Order relates to execution, discharge or satisfaction of decree and is appealable under S. 271 (2) — ILR (1965) 2 All 383, **Reversed** (Dec) 1270

—S. 271 (2)—Rent decree — Order under S. 168 directing delivery of possession to decree-holder — Order relates to execution, discharge or satisfaction of decree and is appealable—ILR (1965) 2 All 383, **Reversed** —See Tenancy laws—U. P. Tenancy Act (17 of 1939), S. 168 (Dec) 1270

—**U. P. Zamindari Abolition and Land Reforms Act (1950) (1 of 1951), S. 21** (as amended by U. P. Land Reforms (Amendment) Act (20 of 1954)) — S. 21, as amended has retrospective operation—See Tenancy Laws—U. P. Zamindari Abolition and Land Reforms Act (1950) (1 of 1951), S. 157 (Dec) 1114A

—Ss. 157 and 21 (as amended by U. P. Land Reforms (Amendment) Act (20 of 1954), Ss. 5 and 27)—S. 157 as amended has retrospective operation (Dec) 1114A

—S. 240-H—Compensation officer himself Assistant Collector — Compensation officer not referring to himself case after framing issue — Order should be held to have been passed in the capacity of Compensation Officer and not in the capacity of Assistant Collector (Dec) 1114B

—S. 279 — Sugar company liable to pay income-tax dues, sugarcane cess and price of sugarcane — Amount recoverable as arrears of land revenue—Proceedings under

Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act (*contd.*)

S. 286 (2)—Processes prescribed by Cls. (a) to (e) of S. 279 are not bound to be exhausted by Collector — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act 1950 (1 of 1951) S. 286 (Oct) 897A

—Ss. 286 and 279—Sugar Company liable to pay income-tax dues, sugarcane cess and price of sugarcane—Amount recoverable as arrears of land revenue—Proceedings under S. 286 (2) — Processes prescribed by Cls. (a) to (e) of S. 279 are not bound to be exhausted by Collector (Oct) 897A

—S. 286—Sale of immovable property of company to recover dues — Amount recovered more than what was due — Collector selling afterwards moveable property of company at low price — Company not raising contention in that regard before Land Reforms Commissioner and not arguing before High Court — Supreme Court, held could not investigate reasons for the sale in appeal before it — (Constitution of India, Art. 136)—Civil P. C. (1908), O. 21, R. 11 (Oct) 897B

Tort—Damages—Duty to minimise — Coal consigned to Company by Colliery on orders and sanction of Deputy Coal Commissioner (Distribution) under Colliery Control Order, 1945 which was then in force—Sanction and order at instance of Company — Wagons supplied by Railway on order by Coal Commissioner — Refusal of Company to take delivery — Railway selling coal and suing company for demurrage — Normally consignee is liable — On facts also held that Colliery acted as agent of company and was responsible for freight and demurrage charges—See Railways Act (1890), S. 56 (Mar) 193

—**Negligence—Duties of Doctor towards his patient**— See Fatal Accidents Act (1855), S. 1-A (Jan) 128

Trade Unions Act (16 of 1926), S. 6 (g)—Rules of Trade Union—Amendment—Procedure—Amendment when comes into effect—Notification by Registrar of his having registered amendment is necessary—Ref. No. 32 of 1963, D/- 28.9.1964 (In. Tri. Bihar), **Reversed**—See Industrial Disputes Act (1947), S. 10 (2) (Apr) 306A

—S. 28 (3) — Rules of Trade Union—Amendment—Procedure—Amendment when comes into effect—Notification by Registrar of his having registered amendment is necessary — Ref. No. 32 of 1963, D/- 28.9.1964 (Ind. Tri. Bihar), **Reversed**—See Industrial Disputes Act (1947), S. 10 (2) (Apr) 306A

Trade Unions Act (contd.).

—S. 28K (as amended by Act 45 of 1947) — Special leave with pay to workmen who are Union's representative to attend meeting of executive body of Union and federation of I. N. T. U. C.—Demand held not justified — Ref. No. 32 of 1963 D/- 28-9-1964 (Ind. Tri. Bihar), **Reversed** — See Industrial Disputes Act (14 of 1947), Sch. 3, Item 4 (Apr) 306C

—S. 29—Rules of Trade Union — Amendment—Procedure—Amendment when comes into effect—Notification by Registrar of his having registered amendment is necessary— Ref. No. 32 of 1963, D/- 28-9-1964 (Ind. Tri. Bihar), **Reversed** — See Industrial Disputes Act (1947), S. 10 (2) (Apr) 306A

—S. 30 (3) — Rules of Trade Union — Amendment—Procedure—Amendment when comes into effect—Notification by Registrar of his having registered amendment is necessary — Ref. No. 32 of 1963, D/- 28-9-1964 (Ind. Tri. Bihar), **Reversed**—See Industrial Disputes Act (1947), S. 10 (2) (Apr) 306A

Transfer of Property Act (4 of 1882), S. 3 — Word "attested" — To attest is to bear witness to a fact — Identifier or registering officer is not:attesting witness—See Registration Act (1908), S. 59 (Dec) 1147A

—S. 3—Charge on immovable property by registered instrument — Subsequent transferee will have notice of charge in view of S. 3—AIR 1939 Mad 202 and AIR 1940 Mad 140, **Overruled**; O. S. A. Nos. 65, 70 and 71 of 1956, D/- 28-7-1961 (Mad), **Reversed**—See Transfer of Property Act (1882), S. 100 (Dec) 1147B

—S. 6(e)—Bank holding power-of-attorney to collect bills due to executant towards Bank advances—Order for payment to Bank endorsed on bill sent for collection — It is an equitable assignment out of specific fund and not pay order — A I R 1963 M P 132, **Reversed** — See Transfer of Property Act (4 of 1882), S. 130 (Apr) 313

—S. 35—Doctrine of election—See Succession Act (1925), S. 130 (Dec) 1311

—S. 54—Documents of which registration is necessary under T. P. Act but not under Registration Act — Documents fall within scope of S. 49 of Registration Act — A I R 1928 All 726 (FB), AIR 1921 Mad 337 (FB), AIR 1917 Bom 203 held no longer good law in view of T. P. (Amendment) Supplementary Act (21 of 1929) — See Registration Act (1908), S. 49 (Dec) 1316A

—Ss. 59, 100, 3 — Second part of S. 100 does not attract S. 59—Security bond is not required to be attested—AIR 1939 Mad 202, AIR 1940 Mad 140, **Overruled**; O. S. A. Nos. 65, 70 & 71 of 1956, D/- 25-7-1961 (Mad),

T. P. Act (contd.).

Reversed—See T. P. Act (1882), S. 100

(Dec) 1147B

—S. 60—Joint usufructuary mortgage debt —Each mortgagor is liable for entire debt— There is no provision for splitting up the debt—See Debt Laws—Saurashtra Agricultural Debtors Relief Act (23 of 1954), S. 2 (5) (Jan) 69A

—S. 60—Scope of—Suit for redemption — What is (Sept) 751B

—S. 60 — Suit for accounts filed subsequently after reliefs envisaged under S. 60 have been obtained—Subsequent suit is not one for redemption of security — S. 2 (3) (c) of Usurious Loans Act 10 of 1918 is not applicable — Reg. Appeal No. 134 of 1953, D/- 19-9-1958 (Mys), **Reversed**—See Usurious Loans Act (1918), S. 2 (3) (c) (Sept) 751C

—S. 67 — Civil Procedure Code (1908), O. 34, Rr. 1 and 4, First Schedule App. 'D' Form 5-A—Puisne mortgagee party in prior mortgagee's suit—Claim of prior mortgagees satisfied by payments made by mortgagor before sale—Puisne mortgagee is entitled to institute separate suit in respect of his mortgage (July) 600A

—S. 76 — Suit for accounts under S. 76 filed subsequently after reliefs envisaged under S. 60 have been obtained—Subsequent suit is not one for redemption of security — S. 2 (3) (c) of Usurious Loans Act 10 of 1918 is not applicable — Reg. Appeal No. 134 of 1953, D/- 19-9-1958 (Mys), **Reversed** — See Usurious Loans Act (1918), S. 2 (3) (c) (Sept) 751C

—S. 76—Suit for accounts and decree for surplus under S. 76, T. P. Act — Is not covered by S. 2 (3) (b) of Usurious Loans Act (1918) — See Usurious Loans Act (1918), S. 2 (3) (b) (Sept) 751D

—S. 77—Finality of High Court judgment would also stand in way of raising plea relating to applicability of Ss. 76 and 77 — See Constitution of India, Art. 133 (Sept) 751A

—S. 83 — Suit for accounts filed subsequently after reliefs envisaged under S. 60 have been obtained under S. 83—Subsequent suit is not one for redemption of security — S. (2) (3) (c), Usurious Loans Act 10 of 1918 is not applicable—Regulation Appeal No. 34 of 1953, D/- 19-9-1958 (Mys), **Reversed** — See Usurious Loans Act (1918), S. 2 (3) (c) (Sept) 751D

—Ss. 100, 3, 59—Scope of S. 100—Second part of first paragraph of S. 100 does not attract S. 59—Security bond is not required to be attested — AIR 1939 Mad 202 and AIR 1940 Mad 140, **Overruled**; O. S. A. Nos. 65, 70 & 71 of 1956, D/- 25-7-1961 (Mad), **Reversed** (Dec) 1147B

T. P. Act (contd.)

—*S. 108 (j)*—Sub-letting without permission of landlord — Eviction of tenant under *S. 13 (1) (e)* of Rajasthan Premises (Control of Rent and Eviction) Act (17 of 1950) — Right of tenant under *S. 108 (j)* is immaterial — *See Houses and Rents—Rajasthan Premises (Control of Rent and Eviction) Act (17 of 1950), S. 13 (1) (e)* (Dec) 1291C

—*S. 108 (l)*—Tender of payment—Tenant depositing money under *S. 31, E. P. Relief of Indebtedness Act (7 of 1934)*—Not a valid tender—*Civ. Rev. No. 750 of 1962, D/- 18-3-1964 (Punj), Reversed. ILR (1964) 1 Punj 626, Overruled—See Houses and Rents—East Punjab Urban Rent Restriction Act (3 of 1949), S. 13 (2) (i), Proviso* (Dec) 1273

—*S. 111*—Surrender of lease — Agreement as to reduction or increase in rent — Inference of surrender of existing lease and grant of new lease cannot be drawn—Agreement must show intention to terminate old tenancy (Dec) 1291A

—*S. 113*—Acceptance of rent after default by landlord and continuance of old tenancy — Default under old tenancy also continues — *See Houses and Rents — West Bengal Premises Rent Control (Temporary Provisions) Act (17 of 1950), S. 12 (1) (i)* (Dec) 1187A

—*S. 114*—Covenant of forfeiture of tenancy for non-payment of rent — Nature of — Passing of decree for ejectment of tenant by trial Court — No bar to jurisdiction of appellate Court to grant relief against forfeiture (Dec) 1349A

—*S. 114*—Relief against forfeiture of tenancy for non-payment of rent — Discretion used in favour of tenants by lower appellate Courts — Appeal by special leave — Ordinarily Supreme Court will not interfere with the order (Dec) 1349B

—*S. 117*—Main lease consisting of agricultural land as well as homestead—Sublease of homestead only — In view of uniform decisions of High Courts of Calcutta and Patna during a period of nearly 55 years that in such cases all subleases are agricultural leases — Question held should not be reopened even though the correctness of the view is open to question — Rule that where terms of Statute or Ordinance are clear then even a long and uniform course of Judicial interpretation of it may be overruled, if it is contrary to clear meaning of enactment is inapplicable to decision on the basis of which titles and transactions must have been founded—*See Civil P. C. (1908), Preamble — Interpretation of Statutes* (Oct) 864

—*S. 118*—Section is void enough to include exchange of lands as it involves transfer of property — *See Sonthal Parganas*

T. P. Act (contd.)

Settlement Regulation (3 of 1872), *S. 27 (1)* (Mar) 204D

—*S. 130*—Decree-holder indebted to Bank — Power of attorney by him in Bank's favour to execute decree and credit realisations for discharging his debt — Power constitute equitable assignment and is not revocable — *See Contract Act (1872), S. 202* (Jan) 73B

—*Ss. 130, 6 (e)*—Bank holding power of attorney to collect bills due to executant towards Bank advances—Order for payment to bank endorsed on bill sent for collection — Held, it was an equitable assignment of specific fund and not a pay order and could not be attached under *S. 60, Civil P. C. AIR 1963 Madh Pra 132, Reversed* (Apr) 313

Travancore Cochin Public Safety Measures Act (5 of 1950)

See under Public Safety

Trustees and Mortgagees Powers Act (28 of 1866), *S. 43* — Powers of Court — Clause in trust-deed empowering settlor to alter quantum of interest given to each beneficiary 'by will alone'—Order by court permitting settlor to revoke that clause and to permit said alteration being done by deed inter vivos — Validity of order — Order cannot be justified on basis of *S. 43—See Trusts Act (1882), S. 34 --* (Oct) 823A

Trusts Act (2 of 1882), *S. 34* — Powers of Court — Clause in trust-deed empowering settlor to alter quantum of interest given to each beneficiary 'by will alone' — Order by court permitting settlor to revoke that clause and to permit said alteration being done by deed inter vivos — Validity of order—Court is not competent to pass such order and hence order is void (Oct) 823A

—*S. 88* — Person in fiduciary character entering into a transaction in regard to property whose interest he is to protect — Onus is on such person to prove that he did not gain pecuniary advantage by availing of his fiduciary character. *AIR 1960 Mad 410, Reversed* (Oct) 843A

Usurious Loans Act (10 of 1918)

See under Debt Laws.

U. P. Industrial Disputes Act (28 of 1947), *S. 6-S (4)*—Dismissal of workmen for participating in illegal strike — Order based on warning given in respect of previous strike in disregard of settlement — Dismissal held mala fide and vindictive—*See Industrial Disputes Act (1947), S. 23* (Mar) 235

U. P. Police Regulations, *Reg. 104* — Police not to investigate offences under *Ss. 325 and 326, Penal Code* without the order of prescribed authority — Offence falling under *S. 307, Penal Code* wrongly registered by

U. P. Police Regulations (contd.)

police under S. 325, Penal Code — Police held not justified in starting investigation after delay of 4 days by invoking provisions of Reg. 104 even though the victim had succumbed to his injuries (Nov) 951A

U. P. Sales Tax Act (15 of 1948)

See under Sales Tax

U. P. Tenancy Act (17 of 1939)

See under Tenancy Laws

U. P. Zamindari Abolition and Land Reforms Act (1 of 1951)

See under Tenancy Laws

Wealth Tax Act (27 of 1957), Ss. 2 (e) (v) and 2 (r) and 4 (5)—Assessee taking lease of salt pans from Government in 1943 for 25 years — Lease determinable on either side by giving notice at end of any manufacturing season — Sub-letting by assessee — Assessment of net wealth for assessment year 1959-60 — Interest of assessee in salt pans for unexpired portion of lease not an 'asset' within S. 2 (e) (v) — Not liable to be included in net wealth under S. 4 (5) (Sep) 740A

— S. 2 (e) (v) — As amended in 1934 — Clause as amended was not intended to be Parliamentary exposition of meaning of original clause — Clause has no application to case in which valuation date in the relevant assessment year is prior to coming into force of Amendment Act (Sep) 740B

— S. 3 — Levy of tax during successive years on same subject-matter is valid — Tax not chargeable on accretion to wealth since last valuation (Jan) 59A

— S. 4 — Accrued liability though not actually paid is permissible deduction under Income Tax Act and Wealth Tax Act — See Payment of Bonus Act (1965), S. 4 (Aug) 612D

— S. 4 (5) — Interest of assessee in salt pans for unexpired portion of lease not an 'asset' within S. 2 (e) (v) — Not liable to be included in net wealth under S. 4 (5) — See Wealth Tax Act (1957), S. 2 (e) (v) (Sep) 740A

— S. 5 — Accrued liability though not actually paid is permissible deduction under Income Tax Act and Wealth Tax Act — See Payment of Bonus Act (1965), S. 4 (Aug) 612D

— S. 7 (2) — Artificially inflating the value by the Company of the fixed assets with a view to claim interest — Resorting to such practice not profitable as Company will be liable to increased assessment under S. 7 (2) — See Payment of Bonus Act (1965), S. 6 (d) (Aug) 612E

West Bengal Premises Rent Control (Temporary Provisions) Act (17 of 1950)

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West Bengal Premises Tenancy Act (12 of 1956)

See under Houses and Rents.

Words and Phrases — "Act" includes illegal omissions — See Municipalities — Ajmer Marwar Municipalities Regulation (1925), S. 233 (Mar) 227A

— "Any person", meaning of — Expression in second proviso to S. 34 (3) of Income-tax Act (1922) must be confined to a person intimately connected with assessments of the year in question — See Income-tax Act (1922), S. 34 (3) (May) 340

— "Arrears of interest" — Expression "Arrears of interest" in S. 17, Mysore Money Lenders Act (13 of 1939) means interest calculated up to date of decree — AIR 1959 Mys 102, Reversed — See Debt Laws — Mysore Money Lenders Act (13 of 1939), S. 17 (Aug) 671B

— Word "assessed" — Meaning of — See Income-tax Act (1922), S. 15A (3) (July) 543A

— "As soon as may be" — Meaning of — See Public Safety — Preventive Detention Act (1950), S. 3 (4) (Apr) 323C

— "At any time" — Words not limited to year of assessment — See Assam Agricultural Income-tax Act (1939), S. 19 (Oct) 331B

— "At once" — Meaning of — See Mysore Excise (Disposal of Privileges of Retail Vend of Liquors) Rules (1967), R. 19 (1) (Aug) 655B

— "Attested" meaning of — To attest is to bear witness to a fact — See Transfer of Property Act (1882), S. 3 (Dec) 1147A

— "Avoid" and "income as returned" — Words 'avoid' and 'income as returned' — Meaning — Avoided does not mean evaded and cannot be linked with concealment of income — See Income-tax Act (1922), S. 23 (1) (c) (Oct) 335

— "Cattle fair" — Meaning — Expression not defined in Punjab Cattle Fairs (Regulation) Act (6 of 1963) — Expression bears its ordinary meaning — AIR 1963 Punj 391, Overruled — See Constitution of India, Art. 13 (Nov) 1100A

— Decision "contrary to law" and decision "not according to law" — Distinction — The expression "not according to law" is wider than the expression "contrary to law" — Instances of decision "not according to law" given — See Provincial Insolvency Act (1920), S. 75 (1) First Proviso (Dec) 1344A

— "Charitable Institution" — Meaning — Meaning of the word institution that will cover every use of it depends on the context in which it is found — A tank

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charitable institution when there is dedication in favour of that tank (July) 563B
 —Compensation — Meaning of—*See* Constitution of India, Art. 31 (2) (Aug) 634E
 —“Deity” — Concept of — *See* Income Tax Act (1922), S. 3 (Nov) 1089
 —“Direction”—Word “direction” in second proviso to S. 34 (3) of Income-tax Act (1922) is a direction which the appellate or revisional authority is empowered to give under the sections mentioned in the proviso — *See* Income Tax Act (1922), S. 34 (3) Second Proviso (May) 340
 —Words “expenditure in connection with election incurred or authorised” — Meaning of — *See* Representation of the People Act (1951), S. 123 (6) (Apr) 288
 —“Extradition” — *See* Criminal Procedure Code (5 of 1898), S. 82 (Dec) 1171
 —“Finding” — Word “finding” in second proviso to S. 34 (3) of Income-tax Act (1922) means a finding necessary for giving relief in respect of assessment for the year in question — *See* Income-tax Act (1922), S. 34 (3), Second Proviso (May) 340
 —“For all purposes”—Words ‘for all purposes’ in S. 43—Meaning of—Appointment made for particular assessment year—It is good for all purposes only for that year — *See* Income-tax Act (1922), S. 43 (Apr) 319
 —‘Forthwith’, meaning of — *See* Public Safety — Preventive Detention Act (1950), S. 3 (3) (Apr) 323
 —“Individual”—Hindu deity falls within meaning of word “individual” within S. 3 of Income-tax Act (1922)—*See* Income-tax Act (1922), S. 3 (Nov) 1089

Words and Phrases (contd.)

—“Manufacture” — *See* Sales-tax — U.P. Sales-tax Act (1948), S. 3A (June) 499
 —“On any ground whatsoever”, meaning of — *See* Bangalore Acquisition of Lands (Validation) Act (Mys. Act 19 of 1963), S. 1 (June) 477
 —“Other person liable to pay” — *See* Income-tax Act (1922), S. 29 (Aug) 667A
 —“Principal of original loan” — Expression in S. 17, Mysore Money Lender’s Act (13 of 1939) — *See* Debt Laws — Mysore Money Lenders Act (13 of 1939), S. 17 (Aug) 671A
 —“Produced” meaning of — Does not include trees growing spontaneously — *See* Sales-tax — Kerala General Sales-tax Act (15 of 1963), S. 2 (viii) Cl. (c) (Nov) 930
 —Rates — Word “rates” merely means scale or amount of any other charges — *See* Railways Act (1890), S. 41 (1) (c) (Aug) 630B
 —“Report and statement” — *See* Bombay Public Trusts Act (29 of 1950), (as applied to the State of Gujarat), S. 37 (1) (c) (May) 373
 —“Revocation” — Expresso in, in S. 13 (2), Preventive Detention Act (1950), not capable of restricted interpretation—*See* Preventive Detention Act (1950), S. 13 (2) (Jan) 43B
 —“Tenant of land”, “tenant of building”—Meaning—*See* Houses and Rents—Madras City Tenants’ Protection Act, 1921 (3 of 1922), S. 2 (2) (June) 435
 —“Which ought to have been passed” means which ought in law to have been passed — S. A. No. 254 of 1962, D/- 18-11-1963 Punj., **Reversed**—*See* Civil P. C. (1908), O. 41, R. 33 (Dec) 1144B

CORRECTION

A. I. R. 1969 S. C. 1144 (V 56 C 209)

Add at the end of the short note and the long note of Pt. B as under :

“S. A. No. 254 of 1962 decided on 18-11-1963 (Punjab H. C.), Reversed.”

SUBJECTWISE LIST OF CASES OVERRULED, REVERSED AND DISSENTED FROM IN A. I. R. 1969 SUPREME COURT

Diss. = Dissented from in; Not F. = Not Followed in; Over. = Overruled in;
Revers. = Reversed in

Arbitration Act (10 of 1940)

- S. 8—AIR 1965 All 269.— Revers. A I R 1969 S C 474 (Jun).
- S. 20—AIR 1965 All 269— Revers. AIR 1969 SC 474 (Jun).

Assam Agricultural Income-tax Act (9 of 1939)

- S. 19.— Civil Rules Nos. 212 & 213 of 1962 D/- 23.4.1963 (Assam) — Revers. AIR 1969 S C 831A (Oct).

Bombay Electricity (Surcharge) Act (19 of 1946)

- S. 3 (as extended to Ajmer Merwar under Ajmer Merwar Extension of Laws Act 1947), F. A. No. 67 of 1956, D/- 22.9.1964 (Raj)—Revers. AIR 1969 S C 227B, C (Mar).
- S. 3 (2) — F. A. No. 67 of 1956, D/- 22.9.1964 (Raj)—Revers. A I R 1969 S C 227A (Mar).
- S. 4—F. A. No. 67 of 1956, D/- 22.9.1964 (Raj) — Revers. AIR 1969 S C 227 B, C (Mar)
- S. 6 — F. A. No. 67 of 1956, D/- 22.9.1964 (Raj)—Revers. A I R 1969 SC 227B (Mar).

Bombay Town Planning Act (27 of 1955)

- S. 53 — Spl. Civil Appln. No. 837 of 1960, D/- 24.1.1968 (Guj) — Revers. AIR 1969 S C 634B (Aug).
- S. 67 — Spl. Civil Appln. No. 837 of 1960, D/- 24.1.1968 (Guj) — Revers. AIR 1969 S C 634B (Aug).

Civil Procedure Code (1908)

- Pre. — Appeal No. 82 of 1959, D/- 17.1.62 (Cal) — Revers. A I R 1969 S C 600B (July).
- Pre. — Precedents — C. R. Appln. No. 477 of 1960, D/- 12.2.1963 (Guj) — Revers. AIR 1969 S C 69B (Jan).
- Pre.—AIR 1961 Pat 321 (FB) — Revers. AIR 1969 S C 864 (Oct).
- Pre — C. W. P. No. 401 of 1963, D/- 3.4.1965 (Raj) — Revers. AIR 1969 S C 880A (Oct).
- S. 9 — App. No. 1009 of 1960, D/- 5.2.1963 (Guj) — Revers. AIR 1969 S C 439B (Jun).

Civil P. C. (contd.)

- S. 9—(65) First Appeals Nos. 68, 69, 71 and 70 of 1961, D/- 5.1.1965 (MP) — Revers. AIR 1969 S C 78 (Jan).
- S. 11—AIR 1914 All 173 — Disapproved. AIR 1969 S C 316A (Apr).
- S. 11—A I R 1947 Pat 298—Over. A I R 1969 S C 971A (Nov).
- S. 11—AIR 1963 Punj 391—Over. A I R 1969 S C 1100A (Nov)
- S. 20 — A I R 1928 Mad 1088 — Held Overruled in A I R 1955 Mad 96 (FB). AIR 1969 S C 552B (July).
- S. 20 — A I R 1944 Mad 437 — Held Overruled in A I R 1955 Mad 96 (FB). AIR 1969 S C 552B (July).
- S. 34—Appeal No. 82 of 1959, D/- 17.1.1962 (Cal)—Revers. AIR 1969 SC 600B (July).
- S. 47 — ILR (1965) 2 All 383 — Revers. AIR 1969 S C 1270 (Dec).
- S. 47.—(40) A I R 1940 Pat 176 — Over. AIR 1969 S C 575A (July).
- S. 47—AIR 1947 Pat 298—Over. A I R 1969 S C 971A (Nov).
- S. 60—AIR 1963 Madh Pra 132—Revers. AIR 1969 S C 313 (Apr).
- S. 60 (i) (k)—AIR 1962 Cal 169—Revers. AIR 1969 S C 762 (Sep).
- S. 80 — (62) F. A. No. 205 of 1950, D/- 24.4.1962 (All)—Revers. AIR 1969 S C 674B (Aug).
- S. 96 — A I R 1940 Pat 176 — Over. AIR 1969 S C 575A (July).
- Ss. 100-101—AIR 1964 All 441—Revers. AIR 1969 S C 73 (Jan).
- S. 100—AIR 1964 Pat 254—Revers. AIR 1969 S C 204A (Mar).
- S. 107 — S. As. Nos. 4940 and 3660 of 1961, D/- 27.4.1964 (All) — Revers. A I R 1969 S C 1316B (Dec.).
- S. 151 — A. F. O. D. No. 300 of 1950, D/- 3.12.1962 (Pat)—Revers. AIR 1969 SC 297 (Apr).
- S. 151—Civil Revn. No. 422 of 1963, D/- 22.5.1963 (Punj) — Revers. AIR 1969 SC 938 (Nov).
- O. 2 (2)—(40)AIR 1940 Pat 176 — Over. AIR 1969 SC 575A (July).
- O. 6, R. 17—AIR 1965 All 586—Revers. AIR 1969 SC 1267A (Dec).

Civil P. C. (contd.)

- O. 6, R. 153—AIR 1965 All 586—**Revers.**
AIR 1969 SC 1267A (Dec).
- O. 9, R. 8—AIR 1947 Pat 298—**Over.**
AIR 1969 SC 971A (Nov).
- O. 9, R. 9—AIR 1947 Pat 298—**Over.**
AIR 1969 SC 971A (Nov).
- O. 20, R. 4—AIR 1964 Madh Pra 196—
Revers. AIR 1969 SC 255B (Mar).
- O. 20, R. 11 (1)—('62) AFOD No. 300 of
1959, D/- 3-12-1962 (Pat)—**Revers.** AIR
1969 SC 297 (Apr).
- O. 21, R. 52—AIR 1962 Cal 169—**Revers.**
AIR 1969 SC 762 (Sep).
- O. 21, R. 58—AIR 1962 Cal 169—**Revers.**
AIR 1969 SC 762 (Sep).
- O. 23, Rr. 1 & 3—('62) Misc. Appeal
No. 22 of 1962, D/- 17-9-1962 (MP)—
Revers. AIR 1969 SC 1118 (Dec).
- O. 30, R. 1—AIR 1965 All 586—**Revers.**
AIR 1969 SC 1267A (Dec).
- O. 34, R. 2—('62) Appeal No. 82 of 1959,
D/- 17-1-1962 (Cal)—**Revers.** AIR 1969
SC 600B (July).
- O. 34, R. 4—('62) Appeal No. 82 of 1959,
D/- 17-1-1962 (Cal)—**Revers.** AIR 1969
SC 600B (July).
- O. 34, R. 11—('62) Appeal No. 82 of
1959, D/- 17-1-1962 (Cal)—**Revers.** AIR
1969 SC 600B (July).
- O. 34, R. 11—AIR 1959 Mys 102—**Revers.**
AIR 1969 SC 671D (Aug).
- O. 39, R. 2—Civil Revn. No. 422 of 1968,
D/- 22-5-1968 (Punj)—**Revers.** AIR 1969
SC 938 (Nov).
- O. 41, R. 1 — A I R 1940 Pat 176 —
Over. AIR 1969 SC 575A (July).
- O. 41, R. 1—('68) 70 Punj L R (D) 332—
Revers. AIR 1969 SC 575B (July).
- O. 41, R. 27—AIR 1964 Madh Pra 196—
Revers. AIR 1969 SC 255B (Mar).
- O. 41, R. 33—('64) S. As. Nos. 4940 and
3660 of 1961, D/- 27-4-1964 (All) —
Revers. AIR 1969 SC 1316B (Dec.)
- O. 41, R. 33—('63) S. A. No. 254 of 1962,
D/- 18-11-1963 (Punj)—**Revers.** A I R
1969 S C 1144B (Dec).
- O. 42, R. 1—('64) S. As. Nos. 4940 and
3660 of 1961, D/- 27-4-1964 (All) —
Revers. AIR 1969 S C 1316B (Dec).
- O. 42, R. 1—AIR 1964 Pat 254—**Revers.**
AIR 1969 S C 204A (Mar).
- O. 43, R. 1—Civil Revn. No. 422 of 1968
D/- 22-5-1968 (Punj) — **Revers.** A I R
1969 S C 938 (Nov).

CIVIL SERVICES

- Indian Police Service (Appointment by
Promotion) Regulation (1955)
- Reg. 5 — I L R 1967 Cut 735—**Revers.**
AIR 1969 S C 1249A (Dec).

Civil Services (contd.)

- Indian Police Service (Regulation of
Seniority) Rules (1954)
- R. 3 (3) (b)—ILR 1967 Cut 735—**Revers.**
AIR 1969 S C 1249A, B, C (Dec).

Colliery Control Order (1945)

- Cl. 4 — ILR (1965) 15 Raj 603 — **Revers.**
AIR 1969 S C 343A (May).

Companies Act (1 of 1956)

- S. 237 (b)—View taken by Sarkar, C. J.,
and Mudholkar, J., in A I R 1967 S C
295 — **Not Approved.** A I R 1969 S C
707B (Aug).
- S. 237 (b) — 1967 B L J R 537—**Revers.**
AIR 1969 S C 707B (Aug).

Constitution of India

- Art. 13—AIR 1938 Punj 391—**Over.** AIR
1969 S C 1100A (Nov).
- Art. 14 — A I R 1962 Mys 218—**Revers.**
AIR 1969 S C 277B (Jun).
- Art. 14—AIR 1968 Orissa 189 — **Revers.**
AIR 1969 S C 1081A (Nov).
- Art. 14 — I L R 1967 Cut 735 — **Revers.**
AIR 1969 S C 1249C (Dec).
- Art. 19—AIR 1968 Orissa 189 — **Revers.**
AIR 1969 S C 1081A (Nov).
- Art. 31 (2) and (5) (b) (ii) — A I R 1967
S C 637 — **Over.** A I R 1969 S C 634B
(Aug).
- Art. 31 (2) and (5) (b) (ii) — ('68) Spl.
Civil Appln. No. 837 of 1960, D/- 24-1-
1968 (Guj) — **Revers.** A I R 1969 S C
634B (Aug).
- Art. 31 (2) — ('67) L. P. A. No. 37 of
1967, D/- 3-5-1967 (P. & H.) — **Revers.**
AIR 1969 S C 1126B (Dec).
- Art. 31A (1) (a)— ('66) ILR (1966) Guj
1113—**Revers.** AIR 1969 S C 168B, C
(Feb).
- Art. 31A (1) (b) and 31 (5) (a) — I L R
1966 Guj 1113—**Revers.** AIR 1969 S C
168C (Feb).
- Art. 32 — A I R 1968 Punj 391 — **Over.**
AIR 1969 S C 1100A (Nov).
- Art. 51 — ('63) C. R. 104D of 1953, D/-
12-9-1963 (Punj) — **Revers.** AIR 1969
S C 1330B (Dec).
- Art. 173 (a)—AIR 1968 Mys 18—**Revers.**
AIR 1969 S C 1034B, C, D (Nov).
- Art. 189 (4)—ILR (1968) 2 Punj 42 (FB)
—**Revers.** AIR 1969 S C 903F (Oct).
- Art. 208—I L R (1968) 2 Punj 42 (FB)—
Revers. AIR 1969 S C 903F, G (Oct)
- Art. 209—I L R (1968) 2 Punj and Har
42 (FB)—**Revers.** AIR 1969 S C 903E, F
(Oct).

Constitution of India (contd.)

- Art. 226 — S. A. No. 322 of 1964, D/- 27-3-1967 (All)—**Revers.** AIR 1969 S C 556 (July).
- Art. 226—ILR 1967 Andh Pra 361 — **Revers.** AIR 1969 S C 1306A (Dec).
- Art. 226—AIR 1968 Mys 258 — **Revers.** AIR 1969 SC 408C (May).
- Art. 226—AIR 1963 Punj 336 — **Revers.** AIR 1969 SC 966A (Nov).
- Art. 226—A I R 1968 Punj 391 — **Over.** AIR 1969 SC 1100A (Nov).
- Art. 226—ILR (1968) 2 Punj and Har 42 (FB)—**Revers.** AIR 1969 SC 903G (Oct).
- Art. 226—ILR (1965) 15 Raj 603 — **Revers.** AIR 1969 S C 343B (May).
- Art. 245—A I R 1962 Mys 218—**Revers.** AIR 1969 SC 477B (June).
- Art. 246—AIR 1962 Mys 218 — **Revers.** AIR 1969 SC 477B (June).
- Art. 246—A I R 1968 Punj 391 — **Over.** AIR 1969 SC 1100A (Nov).
- Art. 254—AIR 1962 Mys 218 — **Revers.** AIR 1969 SC 477B (June).
- Art 301 — Writ. Petn. No. 836 of 1966, D/- 7-4-1967 (Mad)—**Revers.** AIR 1969 SC 147 (Feb).
- Art. 302—Writ. Petn. No. 836 of 1966, D/- 7-4-1967 (Mad)—**Revers.** AIR 1969 SC 147 (Feb).
- Art. 303 (1) — Writ. Petn. No. 836 of 1966, D/- 7-4-1967 (Mad)—**Revers.** AIR 1969 SC 147 (Feb).
- Art. 304 (b), Proviso—AIR 1954 Trav. Co. 257—**Over.** AIR 1969 S C 504B (June).
- Art. 304 (b), Proviso—AIR 1955 Tra. Co. 82 (FB) — **Over.** AIR 1969 S C 504B (June).
- Art. 304 (b), Proviso—AIR 1964 Ker 92 — **Revers.** AIR 1969 SC 504B (June).
- Art. 309, Proviso—AIR 1963 Mys 265—**Over.** AIR 1969 SC 118A (Jan).
- Art. 309, Proviso—AIR 1965 Mys 25 — **Over.** AIR 1969 SC 118A (Jan).
- Art. 311—AIR 1963 Punj 336 — **Revers.** AIR 1969 SC 966A, C (Nov).
- Art. 311 (2)—S. A. No. 1271 of 1962, D/- 2-3-1965 (All) — **Revers.** AIR 1969 S C 1020A (Nov).
- Sch. 7, List. 2, Entry 28—AIR 1968 Punj 391—**Over.** AIR 1969 SC 1100A (Nov).
- Sch. 7, List 3, Item. 42—AIR 1962 Mys 218—**Revers.** AIR 1969 SC 477B (June).

Contempt of Courts Act (32 of 1952)

- S. 1—Cri. Misc. Contempt Case No. 7 of 1965, D/- 3-5-1965 (All) — **Revers.** AIR 1969 SC 30 (Jan).
- S. 1 — Cri. Misc. Case No. 28 of 1964, D/- 16-6-1964 (Cal)—**Revers.** AIR 1969 SC 189B (Mar).

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Contempt of Courts Act (contd.)

- S. 1—AIR 1949 Pat 222 (FB)—**Over.** AIR 1969 SC 30 (Jan).
- S. 3—Board observation by Narayan J.—AIR 1949 Pat 222 (FB)—**Over.** AIR 1969 SC 30B (Jan).

Contract Act (9 of 1872)

- S. 2 (b)—Reg. App. No. 231 of 1960, D/- 19-6-1963 (Mys) — **Revers.** A I R 1969 SC 1157 (Dec).
- S. 23—AIR 1962 Ker 92—**Revers.** AIR 1969 SC 504A (June).
- S. 50—AIR 1962 Cal 169—**Revers.** AIR 1969 SC 762 (Sep).
- S. 56 — Appeal No. 367 of 1958, D/- 16-3-1962 (Mad)—**Revers.** AIR 1969 SC 110B (Jan).
- S. 73—AIR 1962 Ker 92—**Revers.** AIR 1969 SC 504A (June).
- S. 128 — A. F. O. D. No. 300 of 1959, D/- 3-12-1962 (Pat)—**Revers.** AIR 1969 SC 297 (Apr).

CO-OPERATIVE SOCIETIES

—Maharashtra Co-operative Societies Act (24 of 1961)

- S.2(2)—AIR 1964 Bom 147—**Held Overruled** in AIR 1967 SC 1494 as interpreted. AIR 1969 SC 724A (Aug).
- S. 2 (2)—AIR 1918 Cal 932—**Over.** AIR 1969 SC 724A (Aug).
- S. 2 (2)—AIR 1930 Mad 869—**Over.** AIR 1969 SC 724A (Aug).
- S. 2 (2)—AIR 1934 Mad 40 (FB)—**Over.** AIR 1969 SC 724A (Aug).
- S. 2 (2)—AIR 1935 Mad 673—**Over.** AIR 1969 SC 724A (Aug).
- S. 91 (1)—AIR 1961 MP 40—**Over.** AIR 1969 SC 1323C (Dec).
- S. 91 (1)—AIR 1946 Nag 16—**Over.** AIR 1969 SC 1323C (Dec).
- S. 95—AIR 1964 Bom 147—**Held not overruled** in AIR 1967 SC 1494 as interpreted. AIR 1969 SC 724A (Aug).
- S. 95—AIR 1918 Cal 932—**Over.** AIR 1969 SC 724A (Aug).
- S. 95—AIR 1930 Mad 869—**Over.** AIR 1969 SC 724A (Aug).
- S. 95—AIR 1934 Mad 40 (FB)—**Over.** AIR 1969 SC 724A (Aug).
- S. 95—AIR 1935 Mad 673 — **Over.** AIR 1969 S C 724A (Aug).
- S. 96—A I R 1964 Bom 147 — **Held not Overruled** in AIR 1967 S C 1494 as interpreted. AIR 1969 S C 724A (Aug).
- S. 96—A I R 1918 Cal 932—**Over.** AIR 1969 S C 724A (Aug).
- S. 96—A I R 1930 Mad 869 — **Over.** AIR 1969 S C 724A (Aug).
- S. 96—A I R 1934 Mad 40 (FB) — **Over.** AIR 1969 S C 724A (Aug).

Co-operative Societies — Maharashtra Co-operative Societies Act (*contd.*)

—S. 96 — AIR 1935 Mad 673—**Over.** AIR 1969 S C 724A (Aug).

Criminal Procedure Code (5 of 1898)

- S. 10(2) — AIR 1966 Punj 141— **Revers.** AIR 1969 S C 483 (Jun).
- S. 82—AIR 1968 Cal 220—**Revers.** AIR 1969 S C 1171 (Dec).
- S. 195 — AIR 1918 Cal 932—**Over.** AIR 1969 S C 724A (Aug).
- S. 195—AIR 1930 Mad 869—**Over.** AIR 1969 S C 724A (Aug).
- S. 195—AIR 1934 Mad 40—**Over.** AIR 1969 S C 724A (Aug).
- S. 195—AIR 1935 Mad 673—**Over.** AIR 1964 S C 724A (Aug).
- S. 195 (1) (b) and (1) (a)—AIR 1928 All 765—**Over.** AIR 1969 S C 355A (May).
- S. 205 — AIR 1962 Cal 203 (FB)—**Over.** AIR 1969 S C 381A (May).
- S. 207A — Cr. R. No. 34-M of 1965, D/- 4-2-1966 (Punj)—**Revers.** AIR 1969 S C 355B (May).
- S. 251A—AIR 1963 Madh Pra 337—**Over.** AIR 1969 S C 4B (Jan).
- S. 252—AIR 1963 Madh Pra 337—**Over.** AIR 1969 S C 4B (Jan).
- S. 342—AIR 1962 Cal 203 (FB) — **Over.** AIR 1969 S C 381A (May).
- S. 367 — Cri. Appeal No. 545 of 1962, D/- 9-2-1965 (Pat)— **Revers.** AIR 1969 S C 53 (Jan).
- S. 517 — Cri. Misc. Case No. 28 of 1964, D/- 16-6-1964 (Cal)—**Revers.** AIR 1969 S C 189A (Mar).
- S. 517—Cri. Misc. Case No. 135 of 1962 D/- 5-4-1963 (M P)—**Revers.** AIR 1969 S C 401A, B (Jan).
- S. 520—Cri. Misc. Case No. 135 of 1962 D/- 5-4-1963 (M P)—**Revers.** AIR 1969 S C 401A, B (Jan).
- S. 540-A—AIR 1962 Cal 203 (FB)—**Over.** AIR 1969 S C 381A (May).

Customs (Punjab)

—S. A. No. 259 of 1962, D/- 18-11-1963 (Punj) — **Revers.** A I R 1969 S C 1144A (Dec).

DEBT LAWS

—Displaced Persons (Debts Adjustments) Act (7 of 1951)

—S. 13 — C. R. D. No. 104D of 1958, D/- 12-9-1963 (Punj)—**Revers.** AIR 1969 SC 1330B (Dec).

Debt Laws (*contd.*)

—**Mysore Money Lenders Act (13 of 1939)**
—S. 17—AIR 1959 Mys 102—**Revers.** AIR 1969 SC 671B, D (Aug).

—**Mysore Usurious Loans Act (9 of 1923)**
—S. 1—AIR 1959 Mys 102—**Revers.**—AIR 1969 SC 671D (Aug).

—Punjab Relief of Indebtedness Act (7 of 1934)

—S. 31—I L R (1964) 1 Punj 626 — **Over.** AIR 1969 SC 1273 (Dec).

—S. 31 — C. R. No. 750 of 1962, D/- 18-3-1964 (Punj) —**Revers.** AIR 1969 SC 1273 (Dec).

—Saurashtra Agricultural Debtors Relief Act (23 of 1954)

—S. 2 (5) (6) (i) — C. R. Appln. No. 477 of 1960, D/- 12-2-1963(Guj)—**Revers.** AIR 1969 SC 69A (Jan).

—S. 7 — C. R. Appln. No. 477 of 1963 D/- 12-2-1963 (Guj)—**Revers.** AIR 1969 SC 69A (Jan).

—Usurious Loans Act (10 of 1918)

—S. 2 (3) (b) and (3) — Reg. Appeal No. 134 of 1953, D/- 19-9-1958 (Mys) — **Revers.** AIR 1969 SC 751C (Sep).

—S. 2 (3) (a) (b) and (c)—AIR 1953 Punj 116—**Over.** AIR 1969 SC 751F (Sep).

—S. 3 (3) — Reg. Appeal No. 134 of 1953, D/- 19-9-1958 (Mys)—**Revers.** AIR 1969 SC 751D (Sep).

Defence of India Act (52 of 1962)

—S. 29—AIR 1966 Punj 141—**Revers.** AIR 1969 SC 483 (Jun).

—S. 40—AIR 1966 Punj 141—**Revers.** AIR 1969 SC 483 (Jun).

Displaced Persons (Compensation and Rehabilitation) Act (44 of 1954)

—S. 20B — L. P. A. No. 37 of 1967, D/- 3-5-1967 (Punj & Har.)—**Revers.** AIR 1969 SC 1126B (Dec).

East Punjab Factories (Control of Dismantling) Act (20 of 1948)

—S. 3 — L. P. A. No. 405 of 1958, D/- 3-10-1961 (Punj)—**Revers.** AIR 1969 SC 27 (Jan).

Electricity Act (9 of 1910)

—S. 3 (f) and Sch. Cl. (12) — F. A. No. 67 of 1956, D/- 22-9-1964 (Raj)—**Revers.** AIR 1969 SC 227C (Mar).

Electricity Act (contd.)

—S. 7 (1), (2), (4) (Prior to its amendment in 1959) — Spl. Civil Appln. No. 94 of 1962, D/- 31-10-1963 (Guj) — Revers. AIR 1969 SC 239A (Mar).

Electricity (Supply) Act (54 of 1948)

—S. 2 (8) — S. A. Nos. 33 and 34 of 1964, D/- 4-7-1964 (Guj) — Revers. AIR 1969 SC 770 (Sep).
—S. 19 (1) (b) (ii) — S. A. Nos. 33 and 34 of 1964, D/- 4-7-1964 (Guj) — Revers. AIR 1969 SC 770 (Sep).

Essential Supplies (Temporary Powers) Act (24 of 1946)

—S. 17 (4), Proviso — AIR 1964 Ker 92 — Revers. AIR 1969 SC 504A (Jun).

Evidence Act (1 of 1872)

—S. 3—AIR 1918 Cal 932—Over. AIR 1969 SC 724A (Aug).
—S. 3—AIR 1964 M P 196 — Revers. AIR 1969 SC 255B (Mar).
—S. 3—AIR 1930 Mad 896 — Over. AIR 1969 SC 724A (Aug).
—S. 3—AIR 1934 Mad 40—Over. AIR 1969 SC 724A (Aug).
—S. 3—AIR 1935, Mad 673 — Over. AIR 1969 SC 724A (Aug).
—Ss. 101 and 104 — AIR 1964 Pat 254 — Revers. AIR 1969 SC 204B (Mar).
—S. 160 — AIR 1932 Lah 7 — Over. AIR 1969 SC 851A (Oct).
—S. 160—AIR 1938 Lah 629 — Over. AIR 1969 SC 851A (Oct).

Fugitive Offenders Act (1881) (44 & 45 Vict C 69)

—S. 13—AIR 1968 Cal 220— Revers. AIR 1969 SC 1171 (Dec).
—S. 26—AIR 1968 Cal 220—Revers. AIR 1969 SC 1171 (Dec).

General Clauses Act (10 of 1878)

—S. 8 (1)—AIR 1965 All 269—Revers. AIR 1969 SC 474 (June).
—S. 22 — C. W. Petn. No. 401 of 1963, D/- 3-4-1965 (Raj) — Revers. AIR 1969 SC 830 (Oct).

Hindu Law

—Doctrine of—I L R (1964) 2 All 191 — Revers. AIR 1969 SC 135B (Feb).
—Manager — (1966) 2 Andh L T 423 — Revers. AIR 1969 SC 682A (Aug).
—Manager — I L R 1967 Andh Pra 729 — Revers. AIR 1969 SC 682A (Aug).

Hindu Law (contd.)

—Widow — AIR 1964 Pat 254 — Revers. AIR 1969 SC 204C (Mar).

Hindu Succession Act (30 of 1956)

—S. 2 — S. A. No. 254 of 1962, D/- 18-11-1963 (Punj) — Revers. AIR 1969 SC 1144A (Dec).
—S. 4 — S. A. No. 254 of 1962, D/- 18-11-1963 (Punj) — Revers. AIR 1969 SC 1144C (Dec).

Income Tax Act (11 of 1922)

—S. 2 (6A)—AIR 1964 All 457 — Revers. AIR 1969 SC 840A (Oct).
—S. 2 (6A) — I. T. Ref. No. 16 of 1948, D/- 23-3-1949 (Bom) — Over. AIR 1969 SC 840A (Oct).
—S. 2(11) (as it stood before amendment by Finance Act of 1955)—(1963) 49 ITR 369 (Bom)—Partly revers. AIR 1969 SC 292 (Apr).
—Ss. 3 and 4 — (1965) 1 I T J 98 (Cal) — Revers. AIR 1969 SC 1160C (Dec).
—S. 4—AIR 1964 All 457 — Revers. AIR 1969 SC 840A (Oct).
—S. 4 — I. T. Ref. No. 16 of 1948, D/- 23-3-1949 (Bom) — Over. AIR 1969 SC 840A (Oct).
—S. 6 — AIR 1965 All 94 — Revers. AIR 1969 SC 209 (Mar).
—S. 10—AIR 1965 All 94 — Revers. AIR 1969 SC 209 (Mar).
—S. 10 — I. T. Ref. No. 65 of 1954, D/- 27-4-1963 (Cal)—Revers. AIR 1969 SC 1183 (Dec).
—S. 10 (1) — A I R 1964 All 457—Revers. AIR 1969 S C 840A (Oct).
—S. 10 (2) — A I R 1956 Bom 415—Over. AIR 1969 S C 812A (Sep).
—S. 10 (2) — A I R 1959 Bom 150—Over. AIR 1969 S C 812A (Sep).
—S. 10 (2) — I. T. Ref. No. 38 of 1952 D/- 2-6-1953 (Cal) — Over. AIR 1969 S C 862 (Oct).
—S. 10 (2) — (1966) 1 I. T. J. 824 (Cal)—Revers. AIR 1969 S C 775 (Sep).
—S. 10 (2) — (1966) 1 I. T. J. 602 (Guj)—Revers. AIR 1969 S C 812A (Sep).
—S. 10 (2)—(1963) 49 I. T. R. 927 (Ker) — Over. AIR 1969 S C 812A (Sep).
—S. 10 (2)—(1964) 51 I. T. R. 631 (Mad)—Over. AIR 1969 S C 812A (Sep).

Income-tax Act (1922) (contd.)

- S. 10 (2), (vi) — (1965) 57 I. T. R. 774 (Cal) — **Revers.** AIR 1969 S C 1262D (Dec).
- S. 10 (2) (vii), 2nd Proviso—A I R 1965 Ker 222—**Revers.** A I R 1969 S C 869 (Oct).
- S. 10 (2) (xv), (x) — (1953) 48 I. T. R. 346 (All)—**Revers.** A I R 1969 S C 609 (Aug).
- S. 10 (2) (xv) — (1965) 1 I. T. J. 98 (Cal) —**Revers.** AIR 1969 S C 1160B (Dec).
- S. 10 (2-A)—I. T. Ref. No. 215 of 1961, D/- 14-1-1965 (Cal) — **Revers.** AIR 1969 S C 572 (Jul).
- S. 23 (5) (a) (ii) — Ref. No. 38 of 1952 D/- 2-6-1953 (Cal)—**Over.** A I R 1969 S C 862 (Oct).
- S. 23A (1) (as it stood before its amendment by Finance Act of 1955)—(1963) 49 I T R 369 (Bom) — **Partly Revers.** AIR 1969 S C 292 (Apr).
- S. 23A (4) — I L R (1963) 2 All 325 — **Revers.** AIR 1969 S C 501 (Jun).
- S. 24 (1), First Proviso, Expln. (1)—AIR 1965 All 94 — **Revers.** A I R 1969 S C 209 (Mar).
- S. 24 (1) — I. T. Ref. No. 38 of 1960, D/- 29-8-1963 (Cal) — **Revers.** A I R 1969 S C 1241B (Dec).
- S. 24 (2) (Prior to its amendment in 1955) — I. T. Ref. No. 130 of 19-1 D/- 26-3-1965 (Cal)—**Revers.** AIR 1969 S C 946 (Nov).
- S. 26—(1966) ILR 45 Pat 121 — **Revers.** AIR 1969 S C 1352A (Dec).
- S. 28—(1966) I L R 45 Pat 121—**Revers.** AIR 1969 S C 1352A (Dec).
- S. 29 — AIR 1961 All 133—**Over.** AIR 1969 S C 667A (Aug).
- S. 29—(1960) 38 ITR 197 (Mys) — **Over.** AIR 1969 S C 667A (Aug).
- S. 33 (4)—AIR 1952 All 857—**Over.** AIR 1969 S C 1068 (Nov).
- S. 33 (4)—AIR 1955 Mad 39—**Over.** AIR 1969 S C 1068 (Nov).
- S. 34—(1968) 1 ITJ 662—**Revers.** A I R 1969 S C 944 (Nov).
- S. 44 (Prior to its amendment by Act 11 of 1958)—(1966) 59 ITR 315 (A. P)—**Revers.** AIR 1969 S C 285 (Apr).
- S. 44—(1966) ILR 45 Pat 121 — **Revers.** AIR 1969 S C 1352A (Dec).
- S. 46 (2)—AIR 1961 All 133—**Over.** AIR 1969 S C 667A (Aug).
- S. 46 (2) — (1960) 38 I T R 197 (Mys)—**Over.** AIR 1969 S C 667A (Aug).
- S. 66 — I. T. Ref. No. 130 of 1961 D/- 26-3-1965 (Cal) — **Revers.** A I R 1969 S C 946 (Nov).

Income-tax Act (1922) (contd.)

- S. 66 (1) & (2) — I. T. Ref. No. 73 of 1962, D/- 2-3-1966 (Bom) — **Revers.** AIR 1969 S C 460 (Jun).
- S. 66 (1)—(1965) 1 ITJ 98 (Cal)—**Revers.** AIR 1969 S C 1160A (Dec).

Income-tax Act (43 of 1961)

- Ss. 2 (7), 2 (31)—(1966) 2 Andh L T 423 —**Revers.** AIR 1969 S C 682A (Aug).
- Ss. 2 (7) (31)—ILR 1967 Andh Pra 729 — **Revers.** AIR 1969 S C 682A (Aug).
- S. 64 (v) — A I R 1954 Bom 219—**Over.** AIR 1969 S C 883B (Oct).
- S. 64.(v) — (1960) 40 ITR 377 (Mad) — **Over.** AIR 1969 S C 883B (Oct).
- S. 72—AIR 1969 Raj 45—**Revers.** A I R 1969 S C 470A (Jun).
- S. 80—AIR 1966 Raj 45—**Revers.** A I R 1966 S C 470A (Jun).
- S. 140 (b) — (1966) 2 Andh L T 423—**Revers.** AIR 1969 S C 682A (Aug).
- S. 140 (b) — I L R 1967 Andh Pra 729—**Revers.** AIR 1969 S C 682A (Aug).
- S. 141—AIR 1966 Raj 45—**Revers.** AIR 1969 S C 470A (Jun).
- S. 156 — A I R 1968 Mys 258 — **Revers.** AIR 1969 S C 408A, B (May).
- S. 161 (2) — AIR 1954 Bom 219—**Over.** AIR 1969 S C 883B (Oct).
- S. 161 (2)—(1960) 40 I T R 377 (Mad)—**Over.** AIR 1969 S C 883B (Oct).
- S. 220 — A I R 1968 Mys 258—**Revers.** AIR 1969 S C 408A (May).
- S. 221 — A I R 1968 Mys 258 — **Revers.** AIR 1969 S C 408A (May).
- S. 222—(1966) 2 Andh L T 423—**Revers.** AIR 1969 S C 682A (Aug).
- S. 222 — I L R 1967 Andh Pra 729 — **Revers.** AIR 1969 S C 682A (Aug).
- S. 222 — A I R 1968 Mys 258 — **Revers.** AIR 1969 S C 408A (May).
- S. 226 (3) — AIR 1968 Mys 258—**Revers.** AIR 1969 SC 408A, B (May).
- Ss. 276 and 276A—1966-2 Andh L T 423 — **Revers.** AIR 1969 SC 682A (Aug).
- Ss. 276, 276A—ILR 1967 Andh Pra 729 — **Revers.** AIR 1969 SC 682A (Aug).
- S. 277—(1966) 2 Andh L T 423—**Revers.** AIR 1969 SC 682A (Aug).
- S. 277—ILR 1967 Andh Pra 729—**Revers.** AIR 1969 SC 682A (Aug).
- S. 282 (2) — (1966) 2 Andh L T 423 — **Revers.** AIR 1969 SC 682A (Aug).
- S. 282 (2)—I L R 1967 Andh Pra 729 — **Revers.** AIR 1969 SC 682A (Aug).
- S. 297 (2) (j) — AIR 1968 Mys 258 — **Revers.** AIR 1969 SC 408A (May).
- Sch. 2, Rr. 1 (b), 2 — (1966) 2 Andh L T 423—**Revers.** AIR 1969 SC 682A (Aug).
- Sch. 2, Rr. 1.(b), 2—ILR 1967 Andh Pra 729—**Revers.** AIR 1969 SC 682A (Aug).

Income-tax Act (1961) (*contd.*)

—Sch. 2, Rr. 16 and 73 — (1966) 2 Andh L T 423 — **Revers.** AIR 1969 S C 682A (Aug).

—Sch. 2, Rr. 16 and 73—I L R 1967 Andh Pra 729 — **Revers.** AIR 1969 S C 682A (Aug).

Income Tax (Appellate Tribunal) Rules (1946)

—R. 24 — AIR 1952 All 857 — **Over.** AIR 1969 SC 1068 (Nov).

—R. 24 — AIR 1955 Mad 39 — **Over.** AIR 1969 SC 1068 (Nov).

Industrial Disputes Act (14 of 1947)

—S. 2(j) — I. T. No. 347 of 1964, D/- 30.6.1965 (Mah)—**Revers.** AIR 1969 SC 276 (Apr).

—S. 10 (2) — Ref. No. 32 of 1963, D/- 28.9.1964 (I. T. Bihar) — **Revers.** AIR 1969 SC 306A (Apr).

—S. 25FF — (1967) 1 Lab L J 232 (Punj)—**Over.** AIR 1969 SC 590 (July).

—S. 25FFF — Industrial Disputes Case No. 1 of 1967, D/- 5.12.1967 (Spl. Ind. Tribunal Orissa) — **Revers.** AIR 1969 SC 90 (Jan).

—S. 33A — AIR 1964 Pat 180 — **Over.** AIR 1969 SC 992C (Nov).

—S. 33C (2)—70 Bom L R 500—**Over.** AIR 1969 SC 1335C (Dec).

—Sch. 3, Item 4—Ref. No. 32 of 1963, D/- 28.9.1964 (I. T. Bihar) — **Revers.** AIR 1969 SC 306C (Apr).

Limitation Act (8 of 1908)

—S. 5 — Misc. Civil Petn. No. 64 of 1961, D/- 13.11.1962 (MP) — **Revers.** (M. B. Abolition of Jagirs Act (28 of 1951), Ss. 29, 30 and Limitation Act (1908), S. 5). AIR 1969 SC 953 (Nov).

—S. 13—AIR 1928 Mad 1088—**Held rightly Overruled** by AIR 1955 Mad 96 (FB) as interpreted in AIR 1969 S C 552B (July).

—S. 13—AIR 1944 Mad 437—**Held rightly Overruled** by AIR 1955 Mad 96 (FB) as interpreted in AIR 1969 SC 552B (July).

—Art. 95 — AIR 1923 Mad 1088 — **Held rightly Overruled** by AIR 1955 Mad 96 (FB) as interpreted in AIR 1969 S C 552B (July).

—Art. 95 — A I R 1944 Mad 437 — **Held rightly Overruled** by AIR 1955 Mad 96 (FB)—as interpreted in AIR 1969 S C 552B (July).

—Art. 141—AIR 1964 Pat 254—**DISS.** AIR 1969 S C 201C (Mar).

Limitation Act (1908) (*contd.*)

—Art. 181—AIR 1965 All 269 — **Reverse.** AIR 1969 S C 474C (June).

Limitation Act (36 of 1963)

—S. 5—(1968) 70 Pun LR (D) 332—**Revers.** AIR 1969 S C 575B (July).

—Art. 137—(1968) 70 Bom L R 104—**Over.** AIR 1969 S C 1335C (Dec).

Motor Vehicles Act (4 of 1939)

—S. 3 (3), (19) (20) (22) (23) — A I R 1962 Andh-Pra 14 — **Over.** A I R 1969 S C 493A (June).

—S. 3 (3), (19), (20), (22), (23) — AIR 1963 Mad 413—**Over.** AIR 1969 S C 493A (June).

—S. 3 (3), (19), (20), (22) (23) — AIR 1967 Mad 100—**Revers.** AIR 1969 S C 493A (June).

—S. 42 (1) — AIR 1963 Mad 413 — **Over.** AIR 1969 S C 493A (June).

—S. 42 (1)—AIR 1967 Mad 100 — **Revers.** AIR 1969 S C 493A (June).

—S. 46 — Spl. Civil Appln Nos. 575 to 596, 634, 540 and 570 to 572 of 1967, D/- 20.10.1967 (Bom) — **Revers.** AIR 1969 S C 329A (April).

—S. 48 — Spl. Civil Appln. Nos. 575 to 596, 634, 540 and 570 to 572 of 1967, D/- 20.10.1967 (Bom) — **Revers.** AIR 1969 S C 329B, D (April).

—S. 57 — Spl. Appln. Nos. 575 to 596, 634, 540 and 570 to 572 of 1967, D/- 20.10.1967 (Bom) — **Revers.** AIR 1969 S C 329F (April).

—S. 60 (1) (c) — AIR 1962 A P 14 — **Over.** AIR 1969 S C 493A (June).

—S. 60 (1) (c)—AIR 1967 Mad 100—**Revers.** AIR 1969 S C 493A (June).

MUNICIPALITIES

—Ajmer Merwara Municipalities Regulation (6 of 1925)

—S. 233 — F. A. No. 67 of 1956, D/- 22.9.1964 (Raj)—**Revers.** AIR 1969 S C 227A (March).

Mysore Excise Act (21 of 1966)

—S. 15—(1968) 16 Law Rep 235 Mys — **Revers.** AIR 1969 S C 655C (Aug).

Mysore Excise (Disposal of Privileges of Retail Vend of Liquors) Rules (1967)

—Rr. 17 (2) and 20 (2) — (1968) 16 Law Reports 235 — **Revers.** AIR 1969 S C 655C (Aug).

Opium Act (1 of 1878)

—S. 9 (a)—AIR 1963 Madh-Pra 337—Over. AIR 1969 S C 4B (Jan).

Orissa Kendu Leaves (Control of Trade) Act (28 of 1961)

—S. 10 — AIR 1968 Orissa 189 — Revers. AIR 1969 S C 1081A (Nov).

Partnership Act (9 of 1932)

—S. 25 — AIR 1961 All 133 — Over. AIR 1969 S C 667A (Aug).

—S. 25 (1960) ITR 197 (Mys)—Over. AIR 1969 S C 667A (Aug).

Payment of Wages Act (4 of 1936)

—S. 2 (vi) (d) (as amended by Act 68 of 1959) — (1967) 1 Lab L J 232 (Punj)—Over. AIR 1969 S C 590 (July).

—S. 15 (2) (as amended by Act 68 of 1957) — (1967) 1 Lab L J 232 (Punj) — Over. AIR 1969 S C 590 (July).

Penal Code (45 of 1860)

—S. 20—AIR 1918 Cal 932 — Over. AIR 1969 S C 724A (Aug).

—S. 20—AIR 1930 Mad 896 — Over. AIR 1969 S C 724A (Aug).

—S. 20—AIR 1934 Mad 40 — Over. AIR 1969 S C 724A (Aug).

—S. 20—AIR 1935 Mad 673— Over. AIR 1969 S C 724A (Aug).

—S. 193 — C. R. No. 34 M. of 1965 D/- 11-12-1966 (Punj) — Revers. AIR 1969 S C 355B (May).

—S. 199 — Cri. App. No. 4 of 1967, D/- 10-11-1967 (Pat) — Revers. AIR 1969 S C 7 (Jan).

—S. 200 — Cri. App. No. 4 of 1967, D/- 10-11-1967 (Pat) — Revers. AIR 1969 S C 7 (Jan).

—S. 211—AIR 1928 All 765 — Over. AIR 1969 S C 355A (May).

—S. 465—AIR 1918 Cal 932 — Over. AIR 1969 S C 724A (Aug).

—S. 465—AIR 1930 Mad 896—Over. AIR 1969 S C 724A (Aug).

—S. 465—AIR 1934 Mad 40 — Over. AIR 1969 S C 724A (Aug).

—S. 465—AIR 1935 Mad 673—Over. AIR 1969 S C 724A (Aug).

—S. 471 — AIR 1918 Cal 932—Over. AIR 1969 S C 724A (Aug).

—S. 471—AIR 1930 Mad 896—Over. AIR 1969 S C 724A (Aug).

—S. 471—AIR 1934 Mad 40 —Over. AIR 1969 S C 724A (Aug).

—S. 471—AIR 1935 Mad 673—Over. AIR 1969 S C 724A (Aug).

Police Act (5 of 1861)

—S. 7—S. A. No. 1271 of 1962 D/- 2-3-1965 (All) — Revers. AIR 1969 S C 1020A (Nov).

Provident Funds Act (19 of 1925)

—S. 3—AIR 1962 Cal 169 — Revers. AIR 1969 S C 762 (Sep).

PUBLIC SAFETY

—Travancore-Cochin Public Safety Measures Act (5 of 1950)

—S. 3—AIR 1954 Trav-Co 34—Over. AIR 1969 S C 504B (June).

—S. 3—AIR 1954 Trav-Co 257—Over. AIR 1969 S C 504B (June).

—S. 3—AIR 1955 Trav-Co 82 (FB)—Over. AIR 1969 S C 504B (June).

—S. 3—AIR 1964 Ker 92 — Revers. AIR 1969 S C 504B (June)

—S. 73 (2)—A I R 1964 Ker 92 — Revers. AIR 1969 S C 504B (June).

Punjab Cattle Fairs (Regulation) Act (6 of 1968)

—Pre—AIR 1968 Punj 390 — Over. AIR 1969 S C 1100A (Nov).

Punjab Custom (Power to Contest) Act (2 of 1920)

—S. 8 — S. A. No. 254 of 1962, D/- 18-11-1963 (Punj)—Revers. A I R 1969 S C 1144A, C (Dec).

Punjab Legislative Assembly Rules of Procedure and Conduct of Business

—R. 105 — I L R (1968) 2 Punj & Har 41 (FB) — Revers. AIR 1969 SC 903F, C (Oct).

—R. 112—ILR (1968) 2 Punj & Har 42 (FB) —Revers. A I R 1969 S C 903G (Oct).

Punjab Legislature (Regulation of Procedure in Relation to Financial Business)

Ordinance (1 of 1968)
—ILR (1968) 2 Punj & Har 42 (FB)—Revers. AIR 1969 S C 903E F, G (Oct).

Railways Act (9 of 1890)

—S. 3 (6)—(Prior to its amendment in 1961)—AIR 1962 Cal 42—Revers. AIR 1969 S C 23A (Jan).

—S. 77—(Prior to its amendment in 1961)—AIR 1962 Cal 42—Revers. A I R 1969 S C 23A (Jan).

—S. 80—AIR 1920 Oudh 70 — Over. AIR 1969 SC 817B (Oct).

—S. 80—AIR 1956 Cal 390 — Over. A I R 1969 S C 817B (Oct).

Specific Relief Act (1 of 1877)

- S. 55 — AIR 1967 Mad 100 — Revers.
AIR 1969 S C 493A (June)

STAMP DUTY

—Stamp Act (2 of 1895)

- S. 35 — AIR 1952 All 996 — Over. AIR
1969 S C 1238A (Dec)
—S. 36 — AIR 1952 All 996 — Over. AIR
1969 S C 1238A (Dec)

Succession Act (39 of 1925)

- S. 105 — L. P. A. No. 2 of 1963, D/-
9-3-1964 (A P) — Revers. AIR 1969
S C 1355C (Dec)
—S. 180—ILR (1965) 2 Ker 141—Revers.
AIR 1969 S C 1311 (Dec)

TENANCY LAWS

—Bihar Land Reforms Act (30 of 1950)

- S. 3—A I R 1963 Pat 412 (FB) — Over.
AIR 1969 S C 971B (Nov).
—S. 14 — A I R 1963 Pat 412 (FB)—Over.
AIR 1969 S C 971B (Nov).

—Bihar Land Reforms (Fixation of Ceiling
Area and Acquisition of Surplus
Land Act (11 of 1962)

- S. 16—1968 Pat L J R 384—Revers. AIR
1969 S C 244C, E (Mar).

**Bombay Tenancy and Agricultural
Lands Act (67 of (1948)**

- S. 65 (1)—I L R 1966 Guj 1113—Revers.
AIR 1969 S C 165B, C (Feb).
—S. 70 — App No. 1009 of 1960, D/-
5-2-1963 (Guj)—Revers. AIR 1969 S C
439B (June).
—S. 85 — App No. 1009 of 1960, D/-
5-2-1963 (Guj)—Revers. AIR 1969 S C
439B (June).
—S. 85A — App. No. 1009 of 1960,
D/- 5-2-1963 (Guj)—Revers. AIR 1969
S C 439D (June).

—M. B. Abolition of Jagirs Act (28 of 1951)

- S. 29—Misc. Civil Revn. Petn. No. 64 of
1961, D/- 13-11-1962 (MP) — Revers.
AIR 1969 S C 953 (Nov).
—S. 30 — Misc. Civil Revn. Petn. No. 64
of 1961, D/- 13-11-1962 (MP)—Revers.
AIR 1969 S C 953 (Nov).

**Madras City Tenants Protection Act
(3 of 1922)**

- S. 2 (2), (1) — A. A. O. No. 1 of 1962,
D/- 26-4-1965 (Mad)—Revers. AIR 1969
SC 435 (June).

—Oudh Estates Act (1869)

- S. 22 (7)—ILR (1964) 2 All 191—Revers.
AIR 1969 S C 135B (Feb).

Tenancy Laws (contd.)

—Sonthal Parganas Settlement Regulation
(3 of 1872)

- S. 27 (1) — AIR 1964 Pat 254 — Revers.
AIR 1969 S C 204B (Mar).

—U. P. Tenancy Act (17 of 1939)

- S. 168—ILR (1965) 2 All 383 — Revers.
AIR 1969 S C 1270 (Dec).
—S. 271 (2) — ILR (1965) 2 All 383 —
Revers. AIR 1969 S C 1270 (Dec).

Trade Unions Act (16 of 1926)

- S. 28K — Ref. No. 32 of 1963, D/-
20-9-1964 (Ind. Tri. Bihar) — Revers.
AIR 1969 S C 306C (Apr)
—S. 29 — Ref. No. 32 of 1963, D/-
20-9-1964 (Ind. Tri. Bihar) — Revers.
AIR 1969 S C 306A (Apr).
—S. 30 (3) — Ref. No. 32 of 1963, D/-
29-9-1964 (Ind. Tri. Bihar) — Revers.
A I R 1969 S C 306A (Apr).

Transfer of Property Act (4 of 1882)

- S. 3 — A I R 1939 Mad 202—Over. AIR
1969 S C 1147B (Dec).
—S. 3—AIR 1940 Mad 140 — Over. A I R
1969 S C 1147B (Dec).
—S. 3 — O. S. A. Nos. 65, 70, 71 of
1956, D/- 28-7-1961 (Mad) — Revers.
AIR 1969 S C 1147B (Dec).
—S. 6 (e) — A I R 1963 Madh Pra 132 —
Revers. AIR 1969 S C 313 (Apr).
—S. 54—AIR 1928 All 726 (FB)—Held no
longer good law in view of T. P.
(Amendment) Supplementary Act (1929)
—AIR 1969 S C 1316A (Dec).
—S. 54 — A I R 1917 Bom 203—Held no
longer good law in view of T. P.
(Amendment) Supplementary Act (1929)
—AIR 1969 S C 1316A (Dec).
—S. 54—AIR 1921 Mad 337 (FB) — Held
no longer good law in view of T. P.
(Amendment) Supplementary Act (1929)
—AIR 1969 S C 1316 (Dec).
—S. 59—AIR 1939 Mad 202—Over. A I R
1969 S C 1147B (Dec).
—S. 59—AIR 1940 Mad 140 — Over. AIR
1969 S C 1147B (Dec).
—S. 59 — O. S. A. Nos. 65, 70, 71 of
1956, D/- 28-7-1961 (Mad) — Revers.
AIR 1969 S C 1147B (Dec).
—S. 60 — Reg. Appln. No. 134 of 1953,
D/- 19-9-1958 (Mys) — Revers. A I R
1967 S C 751C (Sep).
—S. 76 — Reg. Appln. No. 134 of 1953,
D/- 19-9-1958 (Mys)—Revers. AIR 1967
SC 751C (Sep).

T. P. Act (cont'd.)

- S. 83—(58) Reg. Appln. No. 134 of 1953, D/- 19.9.1958 (Mys) — **Revers.** A I R 1967 S C 751C (Sep).
- S. 100—AIR 1939 Mad 202—**Over.** AIR 1969 S C 1147B (Dec).
- S. 100—AIR 1940 Mad 140—**Over.** AIR 1969 S C 1147B (Dec).
- S. 100—O. S. A. Nos. 65, 70, 71 of 1956, D/- 28.7.1961 (Mad) — **Revers.** A I R 1969 S C 1147B (Dec).
- S. 108 (b) — I L R (1964) 1 Punj 626 — **Over.** AIR 1969 S C 1273 (Dec).
- S. 108 (l) — Civ. Rev. No. 750 of 1962, D/- 18.3.1961 (Punj) — **Revers.** A I R 1969 S C 1273 (Dec).

T. P. Act (cont'd.)

- S. 130 — A I R 1963 M. P. 132—**Revers.** AIR 1969 S C 313 (Apr).

Trusts Act (2 of 1882)

- S. 88—AIR 1960 Mad 410—**Revers.** AIR 1969 S C 843A (Oct).

Words and Phrases

- “Arrears of interest”—AIR 1959 Mys 102 — **Revers.** AIR 1969 S C 671B (Aug).
- “Cattle fair”—AIR 1968 Punj 391—**Over.** AIR 1969 S C 1100A (Nov).
- Which ought to have been passed — S. A. No. 254 of 1962, D/- 18.11.1963 (Punj) — **Revers.** AIR 1969 S C 1144B (Dec).

COURTWISE LIST OF CASES OVERRULED, REVERSED AND DISSENTED FROM ETC., IN A. I. R. 1969 SUPREME COURT

Diss.=Dissented from in; Not F.=Not followed in; **Over.**=Overruled in; **Revers.**=Reversed in.

Supreme Court

- (50) AIR 1950 SC 222=1950 SCR 621, Province of Bombay v. Khushaldas—**Held no longer good law** in view of AIR 1967 SC 1269 as interpreted A I R 1939 Cal 397D (Aug).
- (60) AIR 1960 SC 131=(1960) 1 SCR 902, Keshav Laxman Borkar v. Deorao Laxman Anande—**Over.** AIR 1969 SC 604 (July).
- (62) 46 ITR 609 (SC), Second Additional Income-tax Officer, Guntur v. Atmala Nagraj—**Held overruled by** AIR 1968 SC 623 as interpreted AIR 1969 Andh Pra 441C (Dec).
- (65) AIR 1965 SC 1510=(1965) 16 STC 231, State of Mysore v. Lekshminarasimhiah Shetty and Sons—**Diss.** AIR 1969 Ker 205 (July).
- (67) View taken by Sarkar, C. J., and Mudholkar, J. in AIR 1967 SC 295=(1966) Supp SCR 311, Barium Chemicals Ltd. v. Company Law Board—**Not approved.** AIR 1969 SC 707B (Aug).
- (67) AIR 1967 SC 637=(1967) 1 SCR 255, Union of India v. Metal Corporation of India—**Over.** AIR 1969 SC 634B (Aug).
- (69) AIR 1969 SC 147=C. A. No. 763 of 1937, D/- 13.4.1968, State of Madras v. Nataraj Mudaliar—**Diss.** AIR 1969 Ker 205 (July).

Allahabad

- (14) AIR 1914 All 173=ILR 36 All 446, Mata Prasad v. Ram Charan Sahu—**Disapproved.** AIR 1967 SC 316A (Apr).
- (20) AIR 1920 Oudh 70=23 Oudh Cas 96, Secretary of State v. Afzal Hussain—**Over.** AIR 1969 SC 817B (Oct).
- (28) AIR 1928 All 726=ILR 50 All 986 (FB), Sohan Lal v. Mohan Lal—**Held no longer good law** in view of T. P. (Amendment) Supplementary Act (21 of 1929). AIR 1969 SC 1316A (Dec).
- (28) AIR 1928 All 765=ILR 51 All 382=29 Cri L J 938, Emperor v. Prag Datt—**Over.** AIR 1969 SC 355A (May).
- (52) AIR 1952 All 857=(1952) 22 ITR 104, Bhagwan Radhakisan v. Commr. of Income-tax U.P.—**Over.** AIR 1969 SC 1068 (Nov).
- (52) AIR 1952 All 996=ILR (1952) 2 All 984, Mst. Bittan Bibi v. Kuntu Lal—**Over.** AIR 1969 SC 1238A (Dec).
- (61) AIR 1961 All 133=(1960) 39 ITR 497, Motilal Purshotam Das v. Income-tax Officer Kanpur—**Over.** AIR 1969 SC 667A (Aug).
- F. A. No. 205 of 1950, D/- 24.4.1962 (All) — **Revers.** AIR 1969 SC 674B (Aug).
- (63) AIR 1963 All 260=(1963) 1 Cri L J 724, Abida Khatoon v. State of U. P.—**Over.** AIR 1969 SC 1234A (Dec).

Allahabad (contd.)

- (63) ILR (1963) 2 All 325, L. Laksmipat Singhania v. Commr. of Income-tax—**Revers.** AIR 1969 SC 501 (June).
- (63) 48 ITR 346 (All)—**Revers.** AIR 1969 SC 609 (Aug).
- S. A. No. 3809 of 1958, D/- 11-12-1963 (All) — **Revers.** AIR 1969 SC 1234A (Dec).
- (64) AIR 1964 All 441, Loon Karan Sethiya v. Evan E. John—**Revers.** AIR 1969 SC 73 (Jan).
- (64) AIR 1964 All 457=(1964) 1 ITJ 226=1964 All L J 217 (FB), Kunji Lal v. Income-tax Commr.—**Revers.** AIR 1969 SC 840A (Oct).
- (64) ILR (1964) 2 All 191, Raj Kumar Mohan Singh v. Rajkumar Pashupati Nath Saran Singh — **Revers.** AIR 1969 SC 135B (Feb).
- S. As. Nos. 4940 and 3660 of 1961, D/- 27-4-1964 (All)—**Revers.** AIR 1969 SC 1316B (Dec).
- (65) AIR 1965 All 94=(1964) 2 ITJ 597 = (1965) 55 ITR 501, Jaganath Mahadeo Prasad v. Commr. of Income-tax—**Revers.** AIR 1969 SC 209 (Mar).
- (65) AIR 1965 All :269=1964 All L J 771=ILR (1964) 2 All 120, Union of India v. Mahomed Usman—**Revers.** AIR 1969 SC 474 (June).
- (65) AIR 1965 All 586, National Building Material Supply v. Jai Jai Ram Manohar Lal—**Revers.** AIR 1969 SC 1267A (Dec).
- (65) ILR (1965) 2 All 383, Riazuddin Tailor v. Bolak Sing — **Revers.** AIR 1969 SC 1270 (Dec).
- Cri. Misc. Contempt Case No. 7 of 1965, D/- 3-8-1965 (All)—**Revers.** AIR 1969 SC 30 (Jan).
- S. A. No. 1271 of 1962, D/- 2-3-1965 (All) — **Revers.** AIR 1969 SC 1020A (Nov).
- (67) S. A. No. 322 of 1964, D/- 27-3-1967 (All)—**Revers.** AIR 1969 SC 556 (July).
- (68) (1968) 1 ITJ 662 (All), Modi Spinning and Weaving Mills Co. Ltd. v. Income-Officer Meerut—**Revers.** AIR 1969 SC 944 (Nov).

Andhra Pradesh

- (56) AIR 1956 Andh Pra 156=1955 Andh W R 683=1956 Cri L J 970, Kolavenna Venkayya, In re—**Overruled** to the extent it agreed with the view expressed by Narayan J., in AIR 1949 Pat 222 (FB). AIR 1969 SC 30C (Jan).
- (62) AIR 1962 Andh Pra 14=(1959) 2 Andh W R 407, Venkataswami v. Kotayya—**Over.** AIR 1969 SC 493A (June).

Andhra Pradesh (contd.)

- L. P. A. No. 2 of 1963, D/- 1-3-1964 (AP) — **Revers.** A I R 1969 S C 1355C (Dec).
- (66) 2 Andh L T 423, Kapur Chand v. Tax Recovery Officer Spl. Dy. Collector Income-tax. Arrears Hyderabad — **Revers.** AIR 1969 SC 682A (Aug).
- (1966) 59 ITR 315 (Andh Pra), Kalva Suryanarayana v. Income Tax Officer — **Revers.** AIR 1969 S C 285 (Apr).
- (67) ILR 1967 Andh Pra 361, R. Natarajan v. Regional Asst. Commr. of Labour Hyderabad—**Revers.** AIR 1969 SC 1306A (Dec).
- (67) ILR 1967 Andh Pra 729, Kapurchand Shrimal v. Tax Recovery Officer (Spl. Dy. Collector) Income Tax Arrears Hyderabad — **Revers.** AIR 1969 S C 682A (Aug).

Assam

- C. R. Nos. 212 and 213 of 1962, D/-23-4-1963 (Assam)—**Revers.** AIR 1969 S C 831A (Oct).

Bombay

- AIR 1917 Bom 203=ILR 41 Bom 550, Dawal v. Sharma — **Held no longer good law** in view of T. P. (Amendment) Supplementary Act (21 of 1929) — AIR 1958 S C 1316A (Dec).
- I. T. Ref. No.16. of 1948, D/-23-3-1949 (Bom) Commr. of Income Tax Bombay v. Maniklal Chunnilal & Sons Ltd., Bombay — **Over.** AIR 1969 S C 840A (Oct).
- (54) AIR 1954 Bom 219 = (1953) 25 ITR 37, Saifuddin Ali Mohamed v. Commr. of Income Tax — **Over.** AIR 1969 S C 888B (Oct).
- (56) AIR 1956 Bom 415 = (1955) 28 I T R 928, Commr. of Income Tax v. Sir Homi Mohta's Executors — **Over.** AIR 1969 S C 812A (Sep).
- (59) AIR 1959 Bom 150 = 34 I T R 336, Rogers and Co. v. Commr. of Income Tax—**Revers.** AIR 1969 SC 812A (Sep).
- (1963) 49 I T R 369 (Bom), Shree Goverdhan Ltd. v. Commr. of Income Tax—**Partly revers.** AIR 1969 S C 292 (Mar).
- (64) AIR 1964 Bom 147=(1964) 1 Cri LJ 652, Malbar Hill Co-operative Housing Society Ltd. Bombay v. K. L. Gauba—**Held not overruled** in AIR 1967 S C 1494 as interpreted AIR 1969 S C 724A (Aug).
- I. T. No. 347 of 1964, D/- 30-6-1965 (Mah)—**Revers.** AIR 1969 S C 276 (Apr).
- I. T. Ref No. 73 of 1962, D/- 2-3-1966 (Bom) — **Revers.** AIR 1969 S C 460 (June).
- Spl. Civil Appln. Nos. 575 & 596, 634, 540 and 570 to 572 of 1967, D/- 20-10-

Bombay (contd.)

1967 (Bom) — **Revers.** AIR 1969 S C 329B, D, F (Apr).
 ('68) 70 Bom L R 104 = 2 Lab L J 505, Manager M/s. P. K. Porwal v. Labour Court, Nagpur — **Over.** AIR 1969 S C 1335C (Dec).

Calcutta

('18) AIR 1918 Cal 932 = ILR 45 Cal 585 = 19 Cri L J 315, Nando Lal Ganguli v. Khetra Mohan Ghose — **Over.** AIR 1969 S C 724A (Aug).
 Income Tax Ref. No. 38 of 1952, D/- 2-6-1953 (Cal), Ishwardas Subhakaran v. Commr. of I. T. West Bengal — **Over.** AIR 1969 S C 862 (Oct).
 ('56) AIR 1956 Cal 390 = 60 Cal W N 683, D. H. Rly. Co. Ltd. v. Jetmall Bhojraj — **Over.** AIR 1969 S C 817B (Oct).
 ('62) AIR 1962 Cal 42 = 65 Cal W N 876, Nirinjanlal Agarwalla v. Union of India — **Revers.** AIR 1969 S C 23A (Jan).
 ('62) AIR 1962 Cal 169, Union of India v. Kashi Prasad — **Revers.** AIR 1969 S C 762 (Sep).
 ('62) AIR 1962 Cal 203 = (1962) 1 Cri L J 565 (FB), Prova Debi v. Mrs. Fernandes — **Over.** AIR 1969 S C 381 (May).
 Appeal No. 82 of 1959, D/- 17-1-1962 (Cal) — **Revers.** AIR 1969 S C 600B (July).
 I. T. Ref. No. 65 of 1954, D/- 27-4-1963 (Cal) — **Revers.** AIR 1969 S C 1183 (Dec).
 I. T. Ref. No. 38 of 1960, D/- 29-8-1963 (Cal) — **Revers.** AIR 1969 S C 1241B (Dec).
 Cri. Misc. Case No. 28 of 1964, D/- 16-6-1964 (Cal) — **Revers.** A I R 1969 S C 189A, B (Mar).
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 (1965) 1 I. T. J. 98 (Cal), Imperial Chemical Industries (India) Pvt. Ltd. Calcutta v. Commr. of I. T. Calcutta — **Revers.** AIR 1969 S C 1160A, B, C (Dec).
 (1965) 57 I. T. R. 774 (Cal), Commr. of I. T. West Bengal v. Netherland Steam Navigation Co. Ltd. — **Revers.** AIR 1969 S C 1262D (Dec).
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Dalhi

Cri Appeal No. 656 of 1963, D/- 14-12-1964 (Delhi) — **Revers.** AIR 1969 S C 17C (Jan).

Gujarat

Appln. No. 1009 of 1960, D/- 5-2-1963 (Guj) — **Revers.** AIR 1969 S C 439B, D (Jun).
 Civil Revn. Appln. No. 477 of 1960, D/- 12-2-1963 (Guj) — **Revers.** AIR 1969 S C 69A, B (Jan).
 Spl. Civil Appln. No. 94 of 1962, D/- 31-10-1963 (Guj) — **Revers.** A I R 1969 S C 239A (Mar).
 S. A. Nos. 33 and 34 of 1964, D/- 4-7-1964 (Guj) — **Revers.** AIR 1969 S C 770 (Sep).
 ('66) ILR 1966 Guj 1113, Ramanlal Gulabchand v. State of Gujarath — **Revers.** AIR 1969 S C 168B, C (Feb).
 ('66) 1 I. T. J. 602 (Guj), Commr. of Income Tax v. B. M. Kharwar — **Revers.** AIR 1969 S C 812A (Sep).
 ('67) 8 Guj L R 395 = (1966) 2 Lab L J 339, State v. Devendra Prasad — **Revers.** AIR 1969 S C 63 (Jan).
 Ele. Petn. No. 22 of 1967, D/- 23-4-1968 (Guj) — **Revers.** A I R 1969 S C 734C (Aug).
 Spl. Civil Appln. No. 837 of 1960, D/- 24-1-1968 (Guj) — **Revers.** A I R 1969 S C 634B (Aug).

Kerala

('54) AIR 1954 Tra.-Co. 34 = 1954 Cri L J 63, George v. State — **Over.** AIR 1969 S C 504B (Jun).
 ('54) AIR 1954 Tra.-Co. 257 = 1954 Cri L J 669, State v. Philipose Philip — **Over.** AIR 1969 S C 504B (Jun).
 ('55) AIR 1955 Tra.-Co. 82 = 1955 Cri L J 844 (FB), Ulhannam Mathai v. State — **Over.** AIR 1969 S C 504B (June).
 ('63) 49 I T R 927 = 1963 Ker L T 494, Commr. of I. T. v. Morning Stars Service — **Over.** AIR 1969 S C 812A (Sep).
 ('64) AIR 1964 Ker 94 = 1963 Ker L J 876 = 1963 Ker L T 958 = ILR (1963) 2 Ker 591, Koteswar Vittal v. Rangappa Baliga & Co. — **Revers.** AIR 1969 S C 504 A, B (Jun).
 ('65) AIR 1965 Ker 222, K. B. Kalikutti v. I. T. Commr. — **Revers.** A I R 1969 S C 869 (Oct).
 ('65) ILR (1965) 2 Ker 141, Mani Joshna v. Mani Meni — **Revers.** A I R 1969 S C 1311 (Dec).

Madhya Pradesh

('61) AIR 1961 Madh Pra 40 = 1960 M P L J 1209, Mishrimal v. Dist. Co-operative Growers Association Ltd. Balaghat — **Over.** AIR 1969 S C 1320C (Dec).
 Misc. Civil Revn Petn No. 64 of 1961, D/- 13-11-1962 (M P) — **Revers.** A I R 1969 S C 953 (Nov).

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- Misc Appeal No. 22 of 1962, D/- 17-9-1962 (MP)—**Revers.** AIR 1969 S C 1118 (Dec).
 ('63) AIR 1963 Madh Pra 132=1962 M P C 287=1962 M P L J 685=1962 Jab L J 957, Takhatmal v. Bharat Nidhi Ltd.—**Revers.** AIR 1969 S C 313 (Apr).
 ('63) AIR 1963 Madh Pra 337=(1963) 2 Cri L J 629, Sardar Khan Multan Khan v. State—**Over.** AIR 1969 S C 4B (Jan).
 F. A. No. 217 of 1959, D/- 16-4-1963 (Madh Pra)—**Revers.** AIR 1969 S C 1256 A, B (Dec).
 Cri. Misc. Case No. 135 of 1962, D/- 5-4-1963 (M P). **Revers.** AIR 1969 S C 401 A, B (May).
 ('64) AIR 1964 M P 196=1964 M P L J 220=1964 Jab L J 288, Collector Raigarh v. Chaturbhuj Panda—**Revers.** AIR 1969 S C 255B (Mar).
 First Applns. Nos. 68, 69, 71 and 70 of 1961, D/- 5-1-1965 (M P)—**Revers.** AIR 1969 S C 70 (Jan).

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- ('21) AIR 1921 Mad 337=ILR 44 Mad 55 (FB), Rama Sahu v. Gowro Ratho—**Held no longer good law** in view of T. P. (Amendment) Supplementary Act (1929). AIR 1969 S C 1316A (Dec).
 ('28) AIR 1928 Mad 1088=28 Mad L W 645, Rathina v. Packiriswami—**Held rightly overruled** by AIR 1955 Mad 96 (FB) as interpreted AIR 1969 S C 552B (July).
 ('30) AIR 1930 Mad 869=32 Cri L J 219, Thadi Subbi Reddi v. Emperor—**Over.** AIR 1969 S C 724A (Aug).
 ('34) AIR 1934 Mad 40=ILR 57 Mad 426 (FB), Velayuda Mudali v. Co-operative Rural Credit Society—**Over.** AIR 1969 S C 724 A (Aug).
 ('35) AIR 1935 Mad 673=36 Cri L J 895, Y. Mahabaleswarappa v. Gopalasami Mudaliar—**Over.** AIR 1969 S C 724A (Aug).
 ('39) AIR 1939 Mad 202=ILR (1939) Mad 199, Vishwanadhan v. M. S. Menon—**Over.** AIR 1969 S C 1147B (Dec).
 ('40) AIR 1940 Mad 140=ILR (1940) Mad 306, Shiva Rao v. Shanmugha Sundaraswami—**Over.** AIR 1969 S C 1147B (Dec).
 ('44) AIR 1944 Mad 437=(1944) 1 Mad L J 440, Subramnnia Chettiar v. Maruthamuthu—**Held rightly overruled** by AIR 1955 Mad 96 (FB), as interpreted AIR 1969 S C 552B (July).

Madras (contd.)

- ('55) AIR 1955 Mad 39=(1955) 27 I T R 161, Ruvula Subbarao v. Commr. of Income Tax—**Over.** AIR 1969 S C 1068 (Nov).
 C.R. Petns. Nos. 981 and 982 of 1956, D/- 17-1-1958 (Mad)—**Revers.** AIR 1969 S C 1344A (Dec).
 ('60) AIR 1960 Mad 410, Nellie Wapshare v. Pierce Leslie & Co.—**Revers.** AIR 1969 S C 843A (Oct).
 ('60) 40 I T R 377=I L R 1960 Mad 1144, V. Ramaswamy Iyengar v. Commr. of Income Tax—**Over.** AIR 1969 S C 888I (Oct).
 O. S. A. Nos. 65, 70, 71 of 1959, D/- 28-7-1961 (Mad)—**Revers.** AIR 1969 S C 1147E (Dec).
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 ('63) AIR 1963 Mad 413=(1963) 2 Mad L J 20, Varadarajulu Naidu v. Thawasi Nadar—**Over.** AIR 1969 S C 493A (Oct).
 (1964) 51 I T R 631 (Mad), M. C. Cherian v. Commr. of Income Tax—**Over.** AIR 1969 S C 812A (Sep).
 A. A. O. No. 1 of 1962, D/- 26-4-1965 (Mad)—**Revers.** AIR 1969 S C 435 (Jun).
 ('67) AIR 1967 Mad 100=(1966) 1 Mad L J 366 (1966) Mad W N 146=(1966) 71 Mad L W 284, Viswanathan Pillai v. Shanmugan—**Revers.** AIR 1969 S C 493A (Jun).
 Writ. Petn. No. 836 of 1966, D/- 7-4-1967 (Mad)—**Revers.** AIR 1966 S C 147 (Feb).
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 Ele. Petn. Case No. 20 of 1967, D/- 10-1-1968 (Manipur)—**Revers.** AIR 1969 S C 663A (Aug).
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 Reg. Appeal No. 134 of 1953, D/- 19-9-1958 (Mys)—**Revers.** AIR 1969 S C 751 C, D (Sep).
 ('59) AIR 1959 Mys 102, E. Sulah Mohamad v. Khanmul—**Revers.** AIR 1969 S C 671B (Aug).
 (1960) 38 I T R 197 (Mys), Govindaswami v. I. T. Officer Bangalore—**Over.** AIR 1969 S C 667A (Aug).
 ('62) AIR 1962 Mys 218, Achiah Chetty v. State of Mysore—**Revers.** AIR 1967 S C 477B (Jun).
 ('63) AIR 1963 Mys 265, Govindaraju v. State of Mysore—**Over.** AIR 1969 S C 115A (Jan).

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- (63) Reg. Appeal No. 231 of 1960, D/- 19-6-1963 (Mys)—**Revers.** AIR 1969 S C 1157 (Dec).
 (65) AIR 1965 Mys 25, Govindappa v. I. G. of Registration—**Over.** AIR 1969 S C 118A (Jan).
 (67) Ele. Petn. No. 8 of 1967, D/- 15-9-1967 (Mys)—**Revers.** AIR 1969 S C 447A (Juh).
 (68) AIR 1968 Mys 18, K. K. Hushen Khan v. Nijalingappa — **Revers.** AIR 1969 S C 1034B (Nov).
 (68) AIR 1968 Mys 258, M. Damodar Bhat v. Third Income Tax Officer—**Revers.** AIR 1969 S C 403A, B, C (May).
 (1968) 16 Law Rep. 285—**Revers.** AIR 1969 S C 655C (Aug).

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- (67) Industrial Disputes Case No. 1 of 1967, D/- 5-12-1967 (Spl. Ind. Tribunal Orissa)—**Revers.** AIR 1969 S C 90A (Jan).
 (67) I L R 1967 Cut 735, Binode Kishore Mohapatra v. State of Orissa — **Revers.** AIR 1969 S C 1249A, B, C (Dec).
 (68) AIR 1968 Orissa 189, Rasbihari Panda v. State—**Revers.** AIR 1969 S C 1081A (Nov).

Nagpur

- (46) AIR 1946 Nag 16 = ILR (1945) Nag 677, Kishan Lal v. Co-operative Central Bank, Ltd., Seoni—**Over.** AIR 1969 S C 1320C (Dec).

Patna

- (40) AIR 1940 Pat 176 = 20 Pat L T 801, Bodh Narain Mahto v. Mahabir Prasad — **Over.** AIR 1969 S C 575A (July).
 (47) AIR 1947 Pat 298 = ILR 25 Pat 595, Ram Narain v. Basudeb — **Over.** AIR 1969 S C 971A (Nov).
 (49) AIR 1949 Pat 222 (FB), King v. Parmanand—Broad Observation by Narayan J.—**Over.** AIR 1969 S C 30C (Jan).
 (61) AIR 1961 Pat 321 (FB), Sudhir Kumar v. Nirsi Dhubin — **Revers.** AIR 1969 S C 834 (Oct).
 (62) A. F. O. D. No. 300 of 1959, D/- 3-12-1962 (Pat)—**Revers.** AIR 1969 S C 297 (April).
 (63) AIR 1963 Pat 412 = 1963 B L J R 802 (FB), Sidheshwar Prasad Singh v. Ram Saroop — **Over.** AIR 1969 S C 971B (Nov).
 (64) AIR 1964 Pat 180 = 1964 B L J R 672, Jagadish Vastralaya v. State of Bihar—**Over.** AIR 1969 S C 992C (Nov).
 (64) AIR 1964 Pat 254, Dhankisto Mandal v. Ramkisto Mandal — **Revers.** AIR 1969 S C 204A, B, C (March).

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- (64) Ref. No. 32 of 1963, D/- 28-9-1964 (I. T. Bihar) — **Revers.** AIR 1969 S C 306A, C (April).
 (65) Cri. Appeal No. 545 of 1962, D/- 9-2-1965 (Pat) — **Revers.** AIR 1969 S C 53 (Jan).
 (66) ILR 45 Pat 121, Kirkend Coal Company Kursunda v. Commr. of Income Tax Patna — **Revers.** AIR 1969 S C 1352A (Dec).
 1967 B L J R 537, Rohtas Industries Ltd. v. S. D. Agrawal — **Revers.** AIR 1969 S C 707B (Aug).
 (67) Cri. App. No. 4 of 1967, D/- 10-11-1967 (Pat)—**Revers.** AIR 1969 S C 7 (Jan).
 1968 Pat L J R 384, Hiralal Agrawal v. Rampadarath Singh — **Revers.** AIR 1969 S C 244C, E (March).

Punjab

- (32) AIR 1932 Lah 7 = 32 Cri L J 1172, Jagan Nath v. Emperor — **Over.** AIR 1969 S C 851A (Oct).
 (38) AIR 1938 Lah 629 = 39 Cri L J 930, Sodhi Pindi Das v. Emperor — **Over.** AIR 1969 S C 851A (Oct).
 (61) L. P. A. No. 405 of 1958, D/- 3-10-1961 (Punj)—**Revers.** AIR 1969 S C 27 (Jan).
 (63) AIR 1963 Punj 336, Railway Board v. Niranjan Singh — **Revers.** AIR 1969 S C 966A, C (Nov).
 (63) C. R. No. 104-D of 1958, D/- 12-9-1963 (Punj)—**Revers.** AIR 1969 S C 1330B (Dec).
 (64) Civil Rev. No. 750 of 1962, D/- 18-3-1964 (Punj) — **Revers.** AIR 1969 S C 1273 (Dec).
 (63) S. A. No. 254 of 1962, D/- 18-11-1963 (Punj) — **Revers.** AIR 1969 S C 1144A (Dec).
 (64) ILR (1964) 1 Punj 626 = 66 Punj L R 93, Mam Chand v. Chhotu Ram — **Over.** AIR 1969 S C 1273 (Dec).
 (1964) 15 S T C 865 (Punj), Patel Cotton Co., Private Ltd. v. State of Punjab—**Over.** AIR 1969 S C 1073 (Nov).
 (64) Civil Writ Nos. 2159 of 2309 of 1963, D/- 29-9-1964 (Punj) — **Revers.** AIR 1969 S C 1073 (Nov).
 (66) AIR 1966 Punj 141 = ILR (1965) 2 Punj 576 = 1966 Cri L J 434, Harichand v. Batala Engineering Co. — **Revers.** AIR 1969 S C 483 (June).
 (66) Cri. Revn. No. 34 M. of 1965, D/- 4-2-1966 (Punj) — **Revers.** AIR 1969 S C 355B (May).
 (1967) 1 Lab L J 232 = 67 Punj L R 1124, Uttam Chand v. Kartar Singh — **Over.** AIR 1969 S C 590 (July).
 (67) L. P. A. No. 37 of 1967, D/- 3-5-1967 (Punj) — **Revers.** AIR 1969 S C 1126B (Dec).

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- (68) AIR 1968 Punj 391 = 70 Punj L R 935, Mohinder Singh v. State of Punjab — **Over.** AIR 1969 S C 1100A (Dec).
 (68) ILR (1968) 2 Punj and Haryana 42 (FB), Satya Pal Dang v. State of Punjab — **Revers.** AIR 1969 S C 903E, F, G (Nov).
 (1968) 70 Punj L R (D) 332, Shakuntla Devi Jain v. Kanta Kumari — **Revers.** A I R 1969 S C 575B (July).
 (68) Civil Revn. No. 422 of 1968, D/- 22-5-1968 (Punj) — **Revers.** A I R 1969 S C 938 (Nov).

Rajasthan

- (64) F. A. Appeal No. 67 of 1956, D/- 22-9-1964 (Raj) — **Revers.** A I R 1969 S C 227A, B, C (April).
 (65) I L R (1965) 15 Raj 603, Karam Chand Thappar and Bros. v. Sales Tax Officer — **Revers.** AIR 1969 S C 343A, B (May).
 (65) Civil Writ. Petn. No. 401 of 1963, D/- 3-4-1965 (Raj) — **Revers.** AIR 1969 S C 880 (Oct).
 (66) AIR 1966 Raj 45, Jaipur Udyog Ltd. v. I. T. Commr. Delhi — **Revers.** A I R 1969 S C 470A (Dec).

COMPARATIVE TABLES

Supplement to Comparative Tables of A. I. R. of Previous years.

Owing to late receipt of other Journals the following *supplement* to Comparative Table of A. I. R. = Other Journals is issued.

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AIR 1965 S C		AIR 1967 S C		AIR 1967 S C		AIR 1968 S C	
AIR	Other Journals	AIR	Other Journals	AIR	Other Journals	AIR	Other Journals
1196	ILR (1965) 17 Assam 97	895	ILR (1966) 18 Assam 433	1776	1968 Punj L J 33	327	(1968) 2 S O J 884
1301	ILR (1965) 17 Assam 1	908	ILR (1966) 18 Assam 353	1889	15 Law Rep 483		(1969) 1 Mad L J (SC) 1
1561	ILR (1966) 17 Assam 374	930	1967 Pun L J 114	1895	(1969) 1 I T J 224		(1969) 1 Andh W B (SC) 1
1711	ILR (1965) 17 Assam 359	1048	(1969) 1 S O J 224	1910	(1969) 1 S O J 19	346	1968 Serv L R 92
—		1058	ILR (1966) 18 Assam 379	—		353	1968 Serv L R 252
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AIR	Other Journals	1156	14 Law Rep 156	AIR	Other Journals	366	1969 Maha L J 610
1220	ILR (1965) 17 Assam 443	1170	14 Law Rep 172	1	1968 Mad L W (Cri) 79	1969 M P L J 598	
1285	ILR (1966) Mys 868	1189	13 Law Rep 5	5	ILR (1967) 2 All 670	384	ILR (1967) 2 All 850
1571	ILR (1966) Mys 876	1214	1969 M L J (Cri) 330	42	1968 Mad L W (Cri) 84	410	ILR (1968) 1 All 252
1942	ILR (1966) Mys 969	1233	ILR (1967) 2 All 423	46	ILR (1967) 2 All 759	413	(1969) 1 S O R 771
1971	1969 Jab L J 414	1260	14 Law Rep 150	90	15 Law Rep 494	17 Law Rep 93	
—		1274	(1969) 1 S O J 116	102	ILR (1967) 2 All 768	418	(1968) 2 S O R 652
AIR 1967 S C		1301	14 Law Rep 165	111	ILR (1967) 2 All 663	425	17 Law Rep 667
AIR	Other Journals	1335	(1969) 2 S O J 531	114	ILR (1967) 2 All 749	432	1969 SCD 31
442	ILR (1966) 18 Assam 442	1353	1969 M L J (Cri) 724	133	15 Law Rep 506	17 Law Rep 229	
459	ILR (1966) 18 Assam 364	1358	14 Law Rep 138	147	15 Law Rep 468	441	17 Law Rep 76
502	1967 Pun L J 31	1384	ILR (1967) 2 All 408	153	(1969) 2 S O A 67	445	(1968) 1 S O R 735
602	ILR (1966) 18 Assam 457	1386	ILR (1967) 2 All 412	158	(1969) 1 Lab L J 509	450	1969 S O D 736
829	ILR (1966) 18 Assam 388	1408	(1968) 2 SCA 506	169	15 Law Rep 459	ILR (1969) 1 All 221	
884	ILR (1966) 18 Assam 449	1424	(1968) 2 SCA 502	175	15 Law Rep 477	453	(1968) 1 S O R 767
		1494	1969 MLJ (Cri) 344	178	1968 Mad L W (Cri) 65	464	(1968) 1 S O R 767
		1550	(1969) 1 S O J 559			1969 Ser L R 330	
		1564	14 Law Rep 99			466	ILR (1968) 1 All 230
		1568	1968 S O D 1109			494	(1968) 1 S O R 761
		1590	14 Law Rep 104			497	(1968) 1 S O R 656
		1599	(1969) 2 S O A 82			17 Law Rep 543	
		1631	14 Law Rep 115	209	1969 S O D 1076	507	(1968) 1 S O R 721
		1747	ILR (1967) 2 All 741	222	15 Law Rep 474	1968 Serv L R 65	
			ILR (1967) 2 All 634	227	ILR (1967) 2 All 839	514	(1969) 2 Lab L J 655
			14 Law Rep 126	261	ILR (1967) 2 All 827	519	1968 Punj L J 145
				292	1968 Serv L R 119	522	(1968) 1 S O R 621
				303	(1969) 1 S O J 392		(1968) 2 S O J 907

AIR 1968 S C		AIR 1968 S C		AIR 1968 S C		AIR 1968 S C	
AIR	Other Journals	AIR	Other Journals	AIR	Other Journals	AIR	Other Journals
534	(1968) 1 S C R 805	960con	1968 Mad L W	1068	(1969) 1 S C J 236	1203con	(1968) 3 S C R 246
533	(1968) 1 S C R 779		(Cri) 188		(1968) 1 Um N P 476	1203	(1968) 2 S C R 833
	(1969) 1 S C J 571		ILR (1968) 1 All 923		(1968) 2 S C R 870		(1968) 1 Um N P 414
554	(1968) 1 S C R 742	963	(1969) 1 S C J 592	1073	(1968) 2 S C R 856		(1969) 1 S C J 33
565	(1968) 1 S C R 661		(1969) 1 Lab L J 523		(1968) 1 Um N P 459	1210	(1968) 1 Um N P 507
564	(1968) 1 S C R 695	985	(1968) 1 Um N P 563		(1969) S C D 686		(1969) 1 S C J 243
	1968 Mad L W		(1968) 2 Mad L J		1969 All L J 1074		71 Pun L R 212
	(Cri) 70		(SO) 134	1076	(1968) 1 Um N P 516		(1968) 2 S C W R 926
	1969 Mah L J 865		(1968) 2 An WR		(1969) 1 Lab L J 520		1968 Serv L R 247
599	(1968) 1 S C R 705		(SO) 134		(1968) 3 S C R 8		(1968) 3 S C R 1
609	1968 Mad L W		(1969) 1 Lab L J 513	1079	(1968) 3 S C R 13	1213	(1968) 2 S C R 745
	(Cri) 78		(1968) 3 S C R 91		(1968) 1 Um N P 521		(1968) 1 Um N P 308
	17 Law Rep 87	991	(1968) 1 Um N P 671	1088	(1968) 3 S C R 111	1218	1968 Jab L J 1025
642	1969 Jab L J 102		(1969) 1 S C J 38		(1968) 1 Um N P 554		(1968) 1 Um N P 769
647	17 Law Rep 534		(1968) 3 S C R 137	1087	(1968) 3 S C R 158		(1968) 2 S C J 924
	1968 Serv L R 344		1969 Mah L J		(1968) 1 Um N P 697		(1968) 3 S C R 214
653	17 Law Rep 5		(Notes) 32	1089	(1968) 1 Um N P 795	1223	(1968) 1 Um N P 760
658	Assam LR (1969)	1002	(1968) 1 Um N P 663		(1969) 1 S C J 51		(1969) 1 Andh
	S C 1		(1969) 1 Lab L J 242		(1968) Serv L R 701		L T 101
662	(1968) 1 S C R 133		(1968) 3 S C R 130	1095	(1968) 3 S C R 234		(1968) 3 S C R 207
	16 Law Rep 736	1005	(1968) 1 Um N P 319		(1968) 3 S C R 198	1227	(1968) 1 Um N P 907
676	1969 Jab L J 46		(1968) 2 Andh		1969 S C D 495		(1969) 1 S C J 128
	1969 Mah L J 226		L T 375	1099	(1968) 1 Um N P 748		(1968) 3 S C R 322
	1959 M P L J 284		(1968) 2 S C R 754		1969 S C D 238	1232	1969 B L J R 669
707	17 Law Rep 38	1012	(1968) 2 S C R 766		(1968) 1 Um N P 813		(1968) 1 Um N P 825
718	(1968) 2 S C J 889		(1968) 2 S C A 636		(1968) 3 S C R 312		(1969) 1 S C J 621
728	ILR (1968) 1 All 864		(1969) 1 Um N P 368	1104	(1968) 1 Um N P 918		(1968) 3 S C R 251
733	17 Law Rep 47		(1968) 2 Mad L J		(1968) 3 S C R 330	1267	(1968) 1 Um N P 546
748	17 Law Rep 204		(SO) 121	1109	(1968) 1 Um N P 944		1968 Mad L W
751	17 Law Rep 199		(1968) 2 An WR		(1968) 2 S C W R 783		(Cri) 205
754	(1969) 1 S C J 217		(SO) 121		1969 S C D 473		71 Bom L R 55
	17 Law Rep 608	1018	(1968) 1 Um N P 651		(1968) 3 S C R 346		1969 M P L J 266
	1968 Serv L R 582		(1968) 3 S C R 119		1969 Ren C R 116		1969 Mah L J 305
	(1969) 1 Lab L J 373		(1968) 2 S C W R 722	1113	(1968) 1 Um N P 955		(1968) 2 Um N P 126
765	16 Law Rep 774	1024	(1968) 1 Um N P 935		(1969) 1 S C W R 158		(1968) 3 S C R 34
	(1968) 2 S C J 914		70 Pun L R 1126		1968 Serv L R 333	1270	(1968) 1 Um N P 929
	1968 Mad L J (Cri) 793		1969 S C D 460		(1968) 3 S C R 363		1969 S C D 89
772	ILR (1968) 2 All 1		(1969) 1 S C J 920	1115	(1968) 2 Um N P 39		1968 Mad L J
794	(1968) 2 S C R 720		(1968) 3 S C R 339		(1968) 3 S C R 336		(Cri) 757
	(1969) 1 Um N P 277	1028	(1968) 2 S C J 901	1119	1969 S C D 101		(1968) 3 S C R 354
	1969 Ren C R 813		(1969) 1 Mad L J		(1968) 2 Um N P 1	1273	1968 Mad L J
800	1968 Serv L R 533		(SO) 6		(1968) 3 S C R 374		(Cri) 730
824	1969 Mah L J 110		(1969) 1 Andh WR	1138	(1969) 1 An WR		1969 All L J 53
832	17 Law Rep 13		(SO) 6		(SO) 51		1969 M P W R 92
850	1969 M P L J 212		(1968) 2 S C W R 848		(SO) 51		1969 B L J R 162
	1969 Mah L J 332		(1968) 2 Um N P 19		(1968) 1 Um N P 587		(1968) 2 Um N P 77
	1968 Serv L R 104		1969 S C D 324		(1969) 1 S C J 423		(1968) 3 S C R 428
	1959 Jab L J 75		(1968) 3 S C R 387		(1968) 3 S C R 41		1969 S C D 335
	17 Law Rep 57	1632	(1969) 1 S C J 180	1165	(1968) 1 Um N P 702	1275	1968 Mad L J
859	(1968) 1 S C J 403		(1968) 1 Um N P 116		(1969) 1 S C J 455		(Cri) 735
870	(1969) 2 S C J 247	1045	(1968) 1 Um N P 434		(1968) 3 S C R 163		(1968) 2 Um N P 84
	16 Law Rep 754		(1968) 2 S C R 892		(1969) 1 S C A 328		(1968) 3 S C R 447
881	17 Law Rep 552	1047	(1969) 1 S C J 59	1179	(1968) 1 Um N P 350		1969 S C D 627
	1969 M P L J 386		(1969) 1 Mad L J		(1968) 2 S C R 778	1276	(1968) 2 S C W R 895
888	(1968) 2 S C R 709		(SO) 11	1182	(1968) 2 S C R 862		(1968) 3 S C R 464
	(1968) 1 Um N P 263		(1969) 1 Andh		(1968) 1 Um N P 498	1281	(1969) 1 S C J 1
	16 Law Rep 805		W R (SO) 11		(1968) 2 S C W R 764		1968 M P W R 2
894	1969 M P L J 381		(1968) 2 Um N P 30	1186	(1968) 2 S C R 823		1969 Mad L J
915	(1968) 2 S C R 897		(1968) 3 S C R 367		(1968) 1 Um N P 400		(Cri) 31
	(1968) 1 Um N P 466	1050	(1968) 2 Um N P 70	1191	(1968) 1 Um N P 576		1968 Mad L W
922	(1968) 1 Um N P 530		(1969) 1 S C A 189		(1968) 3 S C R 102		(Cri) 200
	(1968) 3 S C R 21		(1968) 3 S C R 422	1196	(1968) 2 S C R 740		1969 B L J R 35
929	(1968) 2 S C R 805		(1969) 2 S C W R 176		(1968) Um N P 302		(1968) 2 Um N P 176
	(1968) 1 Um N P 381	1053	1968 Jab L J 1087		1968 S C D 1161		ILR 47 Pat 693
938	1969 Mah L J 153		(1969) 1 S C W R 123		(1968) 2 S C A 531		1969 S C D 584
	1969 M P L J 109		(1968) 2 Um N P 154	1199	(1968) 3 S C R 359		(1968) 3 S C R 525
	ILR (1968) 1 All 871		(1968) 3 S C R 483		(1968) 1 Um N P 961	1286	(1969) 1 S C A 36
954	(1968) 2 S C R 572		(1969) 1 S C A 295		1969 S C D 577		(1968) 2 Um N P 196
	(1968) 1 Um N P 82	1058	(1968) 1 Um N P 337	1201	(1969) 1 S C J 259		(1968) 3 S C R 512
			1968 All WR		(1968) 2 Um N P 120	1292	1968 Mad L W
956	(1968) 2 S C R 767		(HC) 748		1969 3 S C R 459		(Cri) 190
	(1968) 1 Um N P 358		(1968) 2 S C R 767		(1969) 1 I T J 454		1969 Mad L J
960	(1968) 2 S C R 842	1064	(1968) 2 S C R 812	1203	(1968) 1 Um N P 608		(Cri) 154
	(1968) 1 Um N P 425		(1968) 1 Um N P 369		(1969) 1 S C A 194		(1969) 1 S C J 133

AIR 1968 S.C.		AIR 1968 S.C.		AIR 1968 S.C.		AIR 1968 S.C.	
AIR	Other Journals	AIR	Other Journals	AIR	Other Journals	AIR	Other Journals
1292	con(1968) 3 S C R 563 1969 S O D 546 (1968) 2 Um N P 255 1969 M P W R 420 1969 All L J 467 (1969) 1 Lab L J 549 1969 B L J R 430	1351	1968 All WN(HO) 722 (1968) 2 Um N P 145 (1968) 3 S C R 498 1969 S O D 430 1355 (1968) 2 S O J 951 (1969) 71 Pun L R (D, 1	1393	con 1969 All L J 68 1969 S O D 21 1969 M P W R 89 1969 Mad L W (Cri) 19 (1969) 1 Andh L T 47	1444	con 1968 S O D 1115 1969 Mad L J (Cri) 321 (1969) 1 S C J 510 (1969) 1 S C A 90 1969 All Cri R 49 71 Bom L R 85 (1968) 2 Um N P 763
1293	1969 S C D 11 (1969) Andh L T 41 (1969) 1 S C J 152 1969 Jab L J 53 1968 M P W R 894 (1968) 2 S O W R 874 (1968) 2 Um N P 359 (1968) 3 S C R 639	1358	1969 S C D 118 (1969) 1 S O A 77 (1968) 2 Um N P 350 (1968) 3 S C R 648 71 Bom L R 61 (1969) 1 S O J 279 (1969) 1 S O A 452 (1968) 2 Um N P 441 (1968) 3 S C R 706 1361 (1969) 1 S C J 475 1969 S C D 149 (1969) 1 S C A 87 (1968) 2 Um N P 222 (1968) 3 S C R 566	1395	1969 Maha L J 17 (1968) 2 S C A 619 (1969) 1 S C J 81 71 Bom L R 141 (1968) 2 Um N P 50 (1969) 3 S C R 712 1402 1968 S C D 1097 (1968) 2 S C W R 817 (1968) 1 S C J 715 (1968) 2 Um N P 541 1969 Mad L J (Cr) 348 (1968) 3 S C R 774 1969 All Cri R 257 1969 All W R (HO) 404	1450	1969 Mad L J (Cri) 149 (1969) 1 S C J 105 1969 S O D 342 1455 (1968) 2 S C A 680 (1969) 1 S C J 529 1968 S C D 619 (1968) 2 Um N P 1136
1308	(1968) 2 S C W R 838 (1968) 2 Um N P 106 1969 S C R 450 1969 S C D 414	1364	71 Bom L R 19 (1969) 1 S C A 8 (1968) 2 Um N P 88 (1968) 3 S C R 441 1367 (1968) 2 S C R 819 (1968) 1 Um N P 397 1969 S C D 654 35 F J R 441 19 Fac L R 246 (1969) 2 Lab L J 682	1408	1969 B L J R 107 (1969) 1 S O J 247 (1968) 3 S C A 534 (1968) 2 Um N P 233 1413 (1968) 2 S O J 934 71 Bom L R 48 1969 M P L J 71 (1968) 2 Um N P 634 (1968) 2 S C W R 82 1969 Maha L J 317 (1968) 3 S C R 862 1969 S C D 631	1458	1969 Jab L J 129 1969 M P L J 252 (1969) 1 S C J 516 (1968) 2 Um N P 870 1461 1969 S C D 25 (1969) 1 S C A 145 (1968) 3 S C R 605 (1968) 2 Um N P 316 1969 M P L J 315 1970 Mah L J 6
1313	1968 S C D 1148 (1969) 1 S C J 283 1969 Mad L J (Cri) 172 (1969) 1 S C A 247 (1968) 2 Um N P 666	1370	(1968) 2 S C R 887 (1968) 1 Um N P 440 (1968) 2 S O J 581 (1969) 71 Pun L R (D) 42 1969 C I S (I J) 1 (1968) 2 S C W R 893 1969 S C D 166 1968 Serv L R 826 (1968) 1 Um N P 783 (1968) 3 S C R 224 ILR 47 Pat 881	1418	(1969) 1 S O J 262 (1968) 2 Um N P 215 (1968) 3 S C R 551 1419 1969 Ker L J 14 1969 Mad L J (Cri) 327 (1969) 1 S O J 528 (1968) 2 Um N P 938 1422 (1968) 2 S O J 948 1969 Mad L J (Cri) 72 1969 All Cri R 154 1969 All W R (HO) 223 (1968) 2 Um N P 836	1464	1968 Mad L J (Cri) 711 (1969) 1 S C A 235 (1968) 2 Um N P 310 (1968) 3 S C R 610 1969 S C D 426 1969 All Cri R 272 1969 All W R (HO) 421
1319	(1969) 1 S C J 6 1969 Mad L J (Cri) 36 71 Bom L R 248 1969 S C D 529 (1968) 2 Um N P 523 (1968) 3 S C R 766 1969 A C J 87 71 Bom L R 43 19 9 M P L J 260 1969 Maha L J 299 (1969) 1 S C J 300 1969 Mad L J (Cri) 179 (1968) 2 Um N P 622	1372	(1968) 1 Um N P 783 (1968) 3 S C R 224 ILR 47 Pat 881 1379 (1968) 2 Mad L J (S O) 114 (1968) 2 An W R (S O) 114 (1968) 2 Andh L T 354 (1969) 1 S C A 82 (1968) 3 S C R 195 (1968) 2 Um N P 289 1969 S C D 372 (1969) 1 S C J 265 (1969) 1 S C W R 386 (1968) 3 S C R 631 (1968) 2 Um N P 320 1968 Serv L R 741 (1968) 2 S O J 930 1969 Mad L J (Cri) 3 71 Bom L R 244	1425	(1969) 1 S C J 209 (1969) 1 S C A 51 (1968) 2 Um N P 777 (1969) 1 Mad L J (S O) 21 (1969) 1 An W R (S C) 21 1432 1969 Ker L J 45 (1969) 1 S C J 162 (1968) 2 Um N P 510 (1968) 3 S C R 74 1438 1968 Mad L J (Cri) 723 1969 Mad L W (Cri) 21 71 Pun L R 98 (1968) 2 Um N P 49 (1969) 1 S C A 238 (1968) 3 S C R 404 1969 S C D 385 1444 1969 All W R (H C) 59 1968 Ker L J 932	1466	(1969) 1 S C J 59 1969 B L J R 97 (1968) 2 Um N P 477 (1968) 3 S C R 742 1969 S C D 659 1468 (1968) 2 S C A 541 (1969) 1 S C J 195 1969 S C D 134 10 Guj L R 138 (1968) 2 Um N P 495 (1968) 3 S C R 746 1969 M L J (Cr) 130 (1968) 2 Um N P 495 1475 (1968) 3 S C R 668 (1969) 1 S C J 491 (1968) 2 Um N P 679 1481 (1969) 1 S C A 18 (1969) 1 S C W R 245 10 Guj L R 48 (1969) 1 S C J 271 (1968) 2 Um N P 491 (1968) 3 S C R 692 1489 (1968) 2 Mad L J (S C) 127 (1968) 2 An W R (S C) 127 (1969) 1 S C A 1 (1968) 2 S C W R 918 (1968) 2 Um N P 243 (1968) 3 S C R 542 1969 S C D 352 1495 (1969) 1 S C J 141 (1969) 2 S C A 760 (1968) 2 S C W R 627 18 Fac L R 100 (1968) 3 S C R 614 (1968) 2 Um N P 330
1332	(1969) 1 S C A 29 (1968) 2 S C W R 804 (1968) 2 Mad L J (S O) 109 (1968) 2 An W R (S O) 109 (1968) 2 Um N P 136 (1968) 3 S C R 473	1385	(1969) 1 S C J 265 (1969) 1 S C W R 386 (1968) 3 S C R 631 (1968) 2 Um N P 320 1968 Serv L R 741 (1968) 2 S O J 930 1969 Mad L J (Cri) 3 71 Bom L R 244	1438	1968 Mad L J (Cri) 723 1969 Mad L W (Cri) 21 71 Pun L R 98 (1968) 2 Um N P 49 (1969) 1 S C A 238 (1968) 3 S C R 404 1969 S C D 385 1444 1969 All W R (H C) 59 1968 Ker L J 932	1489	(1968) 2 S C A 1 (1968) 2 S C W R 918 (1968) 2 Um N P 243 (1968) 3 S C R 542 1969 S C D 352 1495 (1969) 1 S C J 141 (1969) 2 S C A 760 (1968) 2 S C W R 627 18 Fac L R 100 (1968) 3 S C R 614 (1968) 2 Um N P 330
1333	(1969) 1 S C J 168 1969 Mad L J (Cri) 144 71 Bom L R 66 (1968) 2 Um N P 573 (1969) 1 S C A 256 (1968) 3 S C R 821	1390	(1968) 2 Um N P 413 1969 S C D 364 1969 M P L J 579 (1968) 3 S C R 685 1969 Maha L J 592 1969 B L J R 157 (1968) 2 Um N P 878 (1968) 2 S C J 922 ILR 47 Pat 819 (1968) 2 S C A 552 (1968) 2 S C W R 813 1969 Mad L J (Cri) 1	1432	1969 Ker L J 45 (1969) 1 S C J 162 (1968) 2 Um N P 510 (1968) 3 S C R 74 1438 1968 Mad L J (Cri) 723 1969 Mad L W (Cri) 21 71 Pun L R 98 (1968) 2 Um N P 49 (1969) 1 S C A 238 (1968) 3 S C R 404 1969 S C D 385 1444 1969 All W R (H C) 59 1968 Ker L J 932	1495	(1969) 1 S C J 141 (1969) 2 S C A 760 (1968) 2 S C W R 627 18 Fac L R 100 (1968) 3 S C R 614 (1968) 2 Um N P 330
1344	(1969) 1 S C A 13 (1968) 2 Um N P 95 (1968) 3 S C R 433	1393	1969 B L J R 157 (1968) 2 Um N P 878 (1968) 2 S C J 922 ILR 47 Pat 819 (1968) 2 S C A 552 (1968) 2 S C W R 813 1969 Mad L J (Cri) 1	1432	1969 Ker L J 45 (1969) 1 S C J 162 (1968) 2 Um N P 510 (1968) 3 S C R 74 1438 1968 Mad L J (Cri) 723 1969 Mad L W (Cri) 21 71 Pun L R 98 (1968) 2 Um N P 49 (1969) 1 S C A 238 (1968) 3 S C R 404 1969 S C D 385 1444 1969 All W R (H C) 59 1968 Ker L J 932	1495	(1969) 1 S C J 141 (1969) 2 S C A 760 (1968) 2 S C W R 627 18 Fac L R 100 (1968) 3 S C R 614 (1968) 2 Um N P 330
1348	1968 Mad L W (Cri) 197 1969 Mad L J (Cri) 41 (1968) 1 S O J 11 (1968) 2 Um N P 804						

AIR	Other Journals	AIR	Other Journals	AIR	Other Journals	AIR	Other Journals
1500	(1969) 1 S O A 138 (1969) 1 S O J 313 (1968) 2 Um N P 915	1509	(1968) 2 S O A 535 1969 Mad L J (Cri) 49		(1968) 2 Um N P 501 1969 B L J R 375 ILR 47 Pat 808		1969 Mad L J (Cri) 185 (1968) 2 Um N P 883
1504	73 I T R 44 (1968) 2 Um N P 165 (1968) 3 S O R 481 89 Comp Cas 395		(1969) 1 S O J 68 1969 All L J 377 (1968) 3 S O R 587 1969 M P W R 318	1513	1969 Ker L J 8 (1968) 2 S O A 694 (1969) 1 S O J 309 1969 S C D 126	1517	(1968) 2 S O J 941 1969 Mad L J (Cri) 10 ILR 47 Pat 710 (1968) 2 Um N P 850

A. I. R. 1969 Supreme Court = Other Journals

AIR	Other Journals	AIR	Other Journals	AIR	Other Journals	AIR	Other Journals
1 [C N 1]	1968 Cur L J 868 17 Fac L R 367 (1969) 1 S O J 306 (1969) 1 S O W R 489 1968 Serv L R 748 (1968) 2 Um N P 757 (1968) 2 S O A 498 1968 S O D 1070	15con	(1968) 70 Pun L R (D) 377 (1968) 2 S O J 945 1969 Ker L J 1 1968 Cur L J 1038 1969 Cri L J 259 1969 Mad L J (Cri) 69 (1968) 2 Um N P 843 1969 S C D 615	33con	(1968) 2 Um N P 401 (1968) 3 S O R 855	59 [C N 17]	1968 Ker L J 659 62 I T R 897 (1968) 2 I T R 724 (1968) 2 S O J 790 (1968) 2 Um N P 794
4 [C N 2]	1969 Jab L J 32 1969 Cri L J 239 1968 M P W R 921 1969 S C D 193 1968 B L J R 965 1969 Mah L J 245 1969 M P L J 200 1969 Mad L J (Cri) 395 (1969) 1 S O J 722 (1968) 2 Um N P 924 (1968) 2 S O W R 668 1968 All L J 1058	17 [C N 7]	(1968) 2 S O J 676 1968 Mad L J (Cri) 668 1969 Cri L J 262 1969 S C D 43 (1968) 3 S O R 189 (1968) 1 Um N P 737	57 [C N 12]	(1969) 1 S O J 100 71 Bom L R 89 10 Guj L R 175 1969 Mah L J 370 (1968) 2 Um N P 727 1969 Ren O R 217	83 [C N 18]	34 F J R 376 1969 Mah L J 391 (1968) 2 S C W R 519 1969 Lab I O 245 1969 Mad L J (Cri) 310 17 Fac L R 370 1968 Ker L J 949 1969 Cri L J 285 (1968) 2 S O A 685 (1969) 2 Lab L J 116 (1969) 1 S O J 252 (1968) 2 Um N P 984 71 Bom L R 93 10 Guj L R 156 1969 S O D 219
7 [C N 3]	(1968) 2 S O W R 468 (1968) 2 Um N P 831 1969 Pat L J R (S C) 100A (1968) 2 S O J 939 (1968) I L R 47 Pat 705 1969 Mad L J (Cri) 7 1969 S O D 693 1968 All Cri R 478 1968 All W R (H O) 767 1969 Cri L J 257 1969 All L J 51 1969 M P W R 90 1969 B L J R 159	23 [C N 8]	(1968) 2 S O J 723 (1969) 1 S O A 62 1969 S C D 291 (1969) 2 S O W R 905 (1968) 2 Um N P 61 (1968) 3 S O R 415	40 [C N 13]	70 I T R 95 (1969) 1 S O J 18 71 Bom L R 52 1969 Mad L J (Cri) 46 (1968) 2 Um N P 931 1969 Cri L J 271 (1969) 1 S O W R 394 (1969) 1 I T J 216 1969 S C D 200 1969 All Cri R 157 1969 All W R (H O) 227 1969 Mah L J (Notes) 31 1969 M P L J (Notes) 59	69 [C N 19]	(1969) 1 S O J 157 10 Guj L R 100 (1968) 2 Um N P 468 (1968) 2 S O W R 794 (1968) 3 S O R 759
9 [C N 4]	(1968) 1 S C W R 742 (1968) 1 Um N P 74 (1969) 1 S O J 176 (1968) 2 S C R 565	27 [C N 9]	70 Pun L R 1078 (1969) 1 S C W R 99 1969 Lab I O 191 (1968) 2 S O J 766 (1968) 2 Um N P 188 (1968) 3 S O R 506 1969 Ren O R 48	43 [C N 14]	1969 S C D 1 35 Cut L T 1 (1968) 2 S O A 629 1969 Cri L J 274 1969 Mad L J (Cri) 398 (1969) 1 S O J 725 (1968) 2 Um N P 962	73 [C N 20]	(1969) 1 S O W R 222 38 Com Cas 760 1968 All W R (H O) 894 (1968) 2 Com L J 265 1969 S O D 157 (1968) 2 Um N P 814 (1968) 2 S O J 851
13 [C N 5]	(1969) 1 S O J 173 71 Pun L R 44 1969 Pan L J 42 1969 S O D 650 (1968) 2 Um N P 1030	30 [C N 10]	1968 All Cri R 362 1968 All W R (H O) 530 1968 B L J R 939 1968 S C D 913 (1969) 1 S O A 263 17 Fac L R 300 (1969) 2 An L T 280 1968 All L J 1008 1969 Rsm O R 128 (1968) 2 S O J 955 1969 Lab I O 194 (1969) 1 Lab L J 567 1968 M P W R 885 1969 Cri L J 267 1969 Mad L J (Cri) 75 (1969) 2 Um N P 823	48 [C N 15]	(1969) 1 S O J 110 (1969) 1 S O A 197 (1968) 2 Um N P 1019	78 [C N 21]	22 S T O 416 1969 Jab L J 1 1969 M P L J 1 1969 Mah L J 1 1969 M P W R 200 (1969) 1 S O J 925 (1968) 2 Um N P 370 (1968) 2 S O A 479 (1968) 3 S O R 662 (1968) 2 S C W R 674
15 [C N 6]	(1969) 2 S O W R 455 1969 (S.C.) Indexes 8.	33 [C N 11]	70 Pun L R 1082 (1969) 1 S O J 479	53 [C N 16]	1969 S O J 55 1969 Mad L J (Cri) 137 (1969) 1 S O J 202 (1969) 1 S O W R 196 1969 M P W R 61 1969 All L J 1 1969 Cri L J 279 1969 B L J R 90 (1968) 2 Um N P 560 (1968) 3 S O R 810	90 [C N 22]	(1968) 2 S O A 615 34 F J R 393 17 Fac L R 311 (1968) 2 Um N P 999

AIR	Other Journals	AIR	Other Journals	AIR	Other Journals	AIR	Other Journals
90con	1969 S C D 172 (1969) 1 Lab L J 557 (1968) 2 S C W R 857 (1968) 35 Cnt L T 223 (1969) 1 S C J 671 1968 Lab I C 90	177 [C N 32] 1968 Pat L J R (S C) 13A (1968) 2 S C J 871 1969 B L J R 1 (1969) 1 S C W R 118 (1968) 2 S C R 881 (1969) 1 S C A 72 (1968) 1 Um N P 490	235 [C N 43] 1969 Lab I C 322 35 F J R 139 18 Fac L R 159 (1969) 1 Lab L J 770 (1969) 2 S C J 222 (1969) 1 Um N P 140	276 [C N 53] (1968) 2 S C W R 621 18 Fac L R 10 1969 Lab I C 458 (1969) 1 S C A 439 1969 Mah L J 407 1969 Ker L J 277 (1969) 1 Lab L J 775 35 F J R 353 (1969) 1 Um N P 210			
101 [C N 23] (1968) 2 S C A 666 (1969) 1 S C J 738 (1968) 2 Um N P 1051		180 [C N 33] (1969) 1 S C A 48 1969 Lab I C 310 18 Fac L R 125 (1968) 2 S C W R 914 (1968) Serv L R 730 (1968) 2 Um N P 554 (1968) 3 S C R 857	239 [C N 44] (1969) 1 S C A 288 10 Guj L R 349 (1969) 1 Um N P 185	285 [C N 54] 71 I T R 422 (1969) 1 I T J 332 (1969) 1 S C J 483 1969 Ker L J 340 (1969) 1 Um N P 517			
110 [C N 24] 1969 S C D 72 (1969) 1 Andh L T 62 (1968) 2 Um N P 737 (1969) 2 S C J 31 (1969) 2 Mad L J (S C) 15 (1969) 2 Andh W R (S C) 15 (1969) 2 S C A 94		182 [C N 34] (1969) 1 S C W R 283 35 F J R 130 1969 Lab I C 313 (1969) 1 S C A 149 (1969) 1 S C J 519 18 Fac L R 189 (1968) 2 Um N P 858 (1969) 1 Lab L J 713	244 [C N 45] 1968 Pat L J R (S C) 68A 1969 B L J R 186 (1969) 1 S C J 748 (1969) 1 S C A 183 (1968) 2 Um N P 1087	288 [C N 55] (1969) 1 S C J 388 (1969) 1 S C A 175 (1969) 71 Pun L R (D) 285 (1969) 1 Um N P 858			
118 [C N 25] (1968) 2 S C A 597 (1969) 1 S C J 73 (1969) 1 S C W R 182 (1968) 2 Um N P 272 (1968) 3 S C R 575 1968 S C D 1120 1969 Lab I C 100 17 Fac L R 411 1969 Serv L R 6		189 [C N 35] 1969 Cri L J 401 (1969) 1 S C W R 377 1969 Mad L J (Cri) 404 (1969) 1 S C J 533 (1968) 2 Um N P 1070	253 [C N 46] (1968) 2 S C W R 393 (1969) 1 S C J 347 1969 M P W R 260 1969 All L J 290 1969 B L J R 313 1969 Mad L J (Cri) 209 (1968) 2 Um N P 1209	292 [C N 56] 69 I T R 675 (1968) 2 I T J 401 (1968) 2 S C J 469 (1968) 2 S C R 731 (1968) 1 Um P N 290			
125 [C N 26] (1969) 1 S C J 97 1969 S C D 232 (1968) 2 Um N P 533 1969 Lab I C 107 (1969) 3 S C R 784		193 [C N 36] (1969) 1 S C J 340 1969 M P W R 262 1969 All L J 323 1969 B L J R 315 (1968) 2 Um N P 1126	255 [C N 47] (1969) 1 S C W R 320 1969 Jab L J 495 (1969) 1 S C J 344 1969 B L J R 198 1969 All L J 159 1969 M P W R 188 1969 Ker L J 212 1969 Mah L J 367 1969 M P L J 346 (1968) 2 Um N P 1203	297 [C N 57] (1968) 2 S C W R 381 1968 Pat L J R (S C) 92A 39 Com Cas 135 (1969) 1 S C J 380 (1969) 1 S C A 269 1969 B L J R 437 1969 M P W R 418 1969 All L J 475 (1969) 1 Um N P 234			
128 [C N 27] (1968) 2 S C W R 73 71 Bom L R 236 1968 Mah L J 599 (1969) 1 S C J 731 1968 M P L J 607 (1969) 2 Um N P 945 1968 S C D 866 (1969) 1 S C A 99 1968 Ker L J 955		198 [C N 37] (1968) 2 S C W R 117 (1969) 1 S C J 543 1969 Ker L T 290 (1968) 2 Um N P 1113	258 [C N 48] (1968) 2 S C W R 109 1968 Pat L J R (S C) 102A 1969 Cri L J 520 1969 All L J 394 1969 M P W R 362 1969 B L J R 392 (1969) 1 S C A 204 (1968) 2 Um N P 1172	299 [C N 58] 71 I T R 459 (1969) 1 I T J 381 (1969) 1 S C J 507 (1969) 1 Um N P 811			
135 [C N 28] (1968) 2 S C A 578 (1968) 2 Um N P 697 (1969) 2 S C J 18		204 [C N 38] 1969 B L J R 270 (1969) 1 S C J 538 (1968) 2 Um N P 1135	262 [C N 49] (1969) 1 S C J 349 (1969) 1 S C A 126 71 Pun L R 370 (1968) 2 Um N P 1214	302 [C N 59] (1969) 1 S C A 157 (1969) 1 S C J 335 (1968) 2 Um N P 1104			
147 [C N 29] 22 S T C 376 (1969) 1 S C W R 1 (1969) 1 S C J 318 (1969) 1 Andh W R (S C) 28 (1968) 1 Mad L J (S C) 28 (1968) 2 Um N P 584 (1968) 2 S C A 555 (1968) 3 S C R 829		209 [C N 39] (1969) 1 S C W R 277 71 I T R 296 (1969) 1 T J 280 (1969) 1 S C J 471 (1969) 1 S C A 134 (1969) 1 Um N P 126	267 [C N 50] (1969) 1 S C J 364 10 Guj L R 366 (1969) 1 S C A 283 (1969) 1 Um N P 196	306 [C N 60] 1968 Pat L J R (S C) 109A 1969 Lab I C 467 55 F J R 106 (1969) 1 Lab L J 235 (1969) 1 S C A 303 18 Fac L R 164 (1969) 1 Um N P 148 (1969) 2 S C J 235			
164 [C N 30] 1968 B L J R 978 (1969) 1 S C J 91 (1968) 2 Um N P 483 (1968) 3 S C R 734		212 [C N 40] (1969) 1 S C W R 294 1969 Lab I C 319 (1968) 2 Um N P 1090	270 [C N 51] (1968) 2 S C W R 552 (1969) 1 S C J 370 10 Guj L R 358 71 Bom L R 449 1969 Mah L J 700 (1969) 1 Um N P 227	313 [C N 61] (1968) 2 S C W R 357 39 Com Cas 114 (1969) 1 S C J 367 (1969) 1 Um N P 203 1969 All L J 344 1969 M P L J 555 1969 Jab L J 460 1969 Mah L J 417 1969 M P W R 316 1969 B L J R 358			
168 [C N 31] (1968) 2 S C W R 735 (1968) 2 S C A 607 (1969) 1 S C J 290 71 Bom L R 148 10 Guj L R 117 (1968) 2 Um N P 641		227 [C N 42] (1969) 1 S C J 355 (1969) 1 S C A 272 (1969) 1 Um N P 1	273 [C N 52] (1969) 1 S C J 757 (1969) 1 Um N P 44	316 [C N 62] (1969) 1 S C J 373 (1969) 1 S C W R 450			

A I R	Other Journals	A I R	Other Journals	A I R	Other Journals	A I R	Other Journals
316con	1969 B L J R 426 (1969) 1 Um N P 510	373 [C N 73]	10 Guj L R 408 1969 Mad L J (Cri) 466 (1969) 1 S O J 862 1969 Cri L J 649 (1969) 1 Um N P 20 (1969) 2 S C A 222	422 [C N 83]	1969 B L J R 731 (1969) 1 S C O 347 1969 All W R (H O) 549 1969 Mad L J (Cri) 456 (1969) 1 S C W R 1149 (1969) 1 S O J 844 1969 Cri L J 671 (1969) 1 S C A 137 1969 All L J 638 1969 M P W R 590 1969 All Cri R 349	483con	71 Pun L R 494 1969 Mad L J (Cri) 476 (1969) 1 S C J 872 1969 Cri L J 803 (1969) 2 S C A 75
319 [C N 63]	71 I T R 457 (1969) 1 I T J 376 (1969) 1 S O J 503 (1969) 1 Um N P 762	378 [C N 74]	1968 Ker L T 649 (1969) 1 S C A 371 (1969) 1 S C W R 633 (1969) 1 S C J 691 1969 Ker L J 436 (1969) 1 Um N P 264	430 [C N 84]	1968 Ker L T 794 (1969) 1 S C W R 624 71 I T R 815 (1969) 1 S O J 772 (1969) 1 I T J 453 (1969) 1 Um N P 823 (1969) 2 S C A 264	488 [C N 95]	(1969) 1 S C W R 653 (1969) 1 S O J 682 (1969) 71 Pun L R (D) 232 (1969) 2 S C A 209
323 [C N 64]	1969 Cri L J 525 (1969) 1 S C A 189 (1969) 1 S C J 900 (1968) 2 Um N P 527	381 [C N 75]	(1969) 1 S C W R 325 (1969) 1 S O J 857 1969 Mad L J (Cri) 471 1969 Cri L J 654 (1969) 2 S C A 18 (1969) 1 Um N P 875	435 [C N 85]	(1969) 1 S C W R 731 (1969) 1 S C J 760 (1969) 1 M L J (S C) 90 (1969) 1 Andh W R (S C) 90 1969 Ren C R 715	493 [C N 96]	(1969) 1 S O W R 230 (1969) 1 S C O 188 (1969) 1 S C J 706 (1969) 1 An W R (S C) 86 (1969) 1 Mad L J (S C) 86 (1969) 2 S C A 246
329 [C N 65]	(1969) 1 S C J 805 (1969) 1 S C A 211 71 Bom L R 438 (1969) 1 Um N P 472 1969 Mah L J 890	386 [C N 76]	(1969) 1 S C W R 1034 (1969) 1 S C J 764 (1969) 71 Pun L R (D) 262 (1969) 2 S C A 165	439 [C N 86]	10 Guj L R 421 1969 Mah L J 513 (1969) 1 S O J 792 (1969) 1 Um N P 449 71 Bom L R 681 (1969) 2 S C A 180	496 [C N 97]	72 I T R 197 1969 M P L J 797 (1969) 1 S C W R 967 1969 Jab L J 520 1969 M P W R 349 (1969) 1 I T J 889 (1969) 2 S C J 177 (1969) 1 Um N P 334 1969 Mah L J 855
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343 [C N 67]	23 S T C 210 1969 Ker L J 314 (1969) 2 S O J 78 (1969) 1 Um N P 547	395 [C N 78]	1969 Jab L J 441 (1969) 1 S O J 786 (1969) 2 S C A 43 1969 B L J R 466 1967 All L J 462 1969 M P W R 428 1969 M P L J 459 (1969) 1 Um N P 50	453 [C N 88]	(1969) 1 S C C 1 (1969) 1 S C J 854 (1969) 1 S C A 703	501 [C N 99]	(1969) 1 S C W R 1021 (1969) 1 I T J 533 (1969) 1 Com L J 303 72 I T R 291 (1969) 1 Um N P 594 (1969) 2 S C J 463
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1122	[CN 205] 1969 Ker L T 215 (1969) 1 S O C 671 74 I T R 1 (1969) 2 I T J 526 (1969) 2 S O J 701	1183	[CN 217] (1969) 1 S O W R 944 74 I T R 62 (1969) 2 I T J 623 (1969) 2 S O J 733	1262	[CN 229] (1969) 2 S O C 84 74 I T R 72 (1969) 2 I T J 580 (1969) 2 S O J 716	1308	[CN 240] (1969) 1 S O W R 593 (1969) 1 S O C 585 (1969) S O D 505 19 Fac L R 140 39 Com Cas 889 (1969) 2 S O A 202 36 F J R 191 (1969) 2 Lab L J 749
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1144	[CN 209] (1969) 1 S O C 813 1969 S O D 757 (1969) 2 S O J 527 71 Pun L R 996	1201	[CN 221] (1969) 2 S O J 598	1276	[CN 233] (1969) 1 S O C 472 1969 M P L J 421 1969 Jab L J 837 24 S T C 343 (1969) 2 S O A 175 1969 M P W R 969 (1970) 1 S O J 68	1330	[CN 244] (1969) 2 S O C 33 (1969) 2 S O J 825
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1157	[CN 212] (1969) 1 S O W R 411 (1969) 1 S O C 547 (1969) 2 S O J 641	1238	[CN 224] (1969) 1 S O W R 517 (1969) 1 S O C 697 1969 S O D 672 1969 All L J 1006 1969 M P W R 913 (1969) 2 S O J 791 1969 B L J R 1074	1291	[CN 236] (1969) 1 S O C 792 1969 Ren O R 300 (1969) 2 S O J 810	1349	[CN 247] (1969) 1 S O W R 792 (1969) All W R (HO) 306 (1969) 1 S O C 714 (1969) 2 S O A 242 (1969) 2 S O J 689
1160	[CN 213] (1969) 1 S O C 629 (1969) 2 S O W R 124 74 I T R 17 (1969) 2 I T J 565 (1969) 2 S O J 710	1241	[CN 225] (1969) 1 S O C 616 74 I T R 26 (1969) 2 I T J 486 (1969) 2 S O J 566	1294	[CN 237] (1969) 1 S O W R 968 (1969) 2 S O C 128 1969 Serv L R 519 1969 Lab I O 1547 (1969) 2 S O A 228 (1969) 2 S O J 740 10 Guj L R 982	1352	[CN 248] (1969) 1 S O C 776 74 I T R 67 (1969) 2 I T J 509 (1969) 2 S O J 579 (1969) 2 S O A 250
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1167	[CN 215] (1969) 1 S O W R 768 (1969) 1 S O C 709	1249	[CN 227] (1969) 1 S O W R 1164 (1969) 2 S O C 149 35 Cut L T 911 1969 S O D 785 (1969) 2 S O A 192 (1969) Lab I O 1520	1302	[CN 239] 1969 Serv L R 268 (1969) 1 S O W R 868 (1969) 1 S O C 804 10 Guj L R 851	1359	[CN 250] (1969) 1 S O W R 985 (1969) 2 S O C 79 (1969) 2 M L J (SC) 105 (1969) 2 Andh W R (SC) 105 (1969) 2 S O J 743
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696 " "	"	"	594	21 " "	"	"	1267	746 " "	"	"	1468	176 " "	"	"	1032	715 1968	"	"	1402
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761 " "	"	"	494	111 " "	"	"	1018	789 " "	"	"	53	217 " "	"	"	1048	748 " "	"	"	214
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				374 " "	"	"	1028	907 " "	"	"	765	349 " "	"	"	267	882 " "	"	"	682
				387 " "	"	"	1115	914 " "	"	"	1393	355 " "	"	"	313	886 " "	"	"	740
				396 " "	"	"	1438	922 " "	"	"	1218	364 " "	"	"	270	890 " "	"	"	701
				404 " "	"	"	23	924 " "	"	"	1390	367 " "	"	"	316	896 " "	"	"	560
				415 1969	"	"	1050	930 " "	"	"	1413	370 " "	"	"	348	900 " "	"	"	323
				422 1968	"	"	1273	934 " "	"	"	7	376 " "	"	"	297	905 " "	"	"	566
				428 " "	"	"	1314	939 1969	"	"	1517	380 " "	"	"	355	910 " "	"	"	499
				433 " "	"	"	1364	941 1968	"	"	363	388 " "	"	"	288	912 " "	"	"	575
				441 " "	"	"	1275	945 1969	"	"	1422	392 1968	"	"	303	916 " "	"	"	597
				447 " "	"	"	1308	951 " "	"	"	30	409 " "	"	"	859	920 1968	"	"	1024
				450 " "	"	"	1201	955 1969	"	"		418 " "	"	"	1328	925 1969	"	"	78
				459 " "	"	"	1276					423 " "	"	"	1138	939 " "	"	"	689
				464 " "	"	"	1332	(1969) 1 S C J (Jan to June 1969)				428 " "	"	"	1165	942 " "	"	"	686
				473 " "	"	"	1504					455 " "	"	"	209	945 " "	"	"	724
				481 " "	"	"	1053					471 1969	"	"	1361				
				489 " "	"	"	1351					475 1968	"	"	33				
				498 " "	"	"	27	SO J	AIR	SO	1281	479 1969	"	"	285	(1969) 2 S C J (July to Dec 1969)			
				506 1969	"	"	1286	1 1968	"	"	1319	483 " "	"	"	351				
				512 1968	"	"	1281	6 " "	"	"	1348	487 " "	"	"	1475				
				525 " "	"	"	1408	11 " "	"	"	40	491 1968	"	"	340				
				534 " "	"	"	1489	16 1969	"	"	1895	499 1969	"	"	319	SO J	AIR	SO	707
				542 " "	"	"	1416	19 1967	"	"	1205	503 " "	"	"	299	1 1969	"	"	135
				551 " "	"	"	1361	33 1968	"	"	991	507 " "	"	"	1444	18 " "	"	"	110
				556 " "	"	"	1292	38 " "	"	"	1089	510 1968	"	"	1478	31 " "	"	"	215
				563 " "	"	"	118	51 " "	"	"	1047	516 " "	"	"	182	41 " "	"	"	778
				575 1969	"	"	1509	59 " "	"	"	1609	519 1969	"	"	1419	54 " "	"	"	609
				587 1968	"	"	1379	68 " "	"	"	118	526 1968	"	"	1455	60 " "	"	"	667
				595 " "	"	"	1461	73 1969	"	"	1395	529 " "	"	"	189	64 " "	"	"	775
				605 " "	"	"	1464	81 1966	"	"	1466	533 1969	"	"	204	68 " "	"	"	447
				610 " "	"	"	1495	89 " "	"	"	164	543 " "	"	"	198	72 " "	"	"	343
				614 " "	"	"	1336	91 1969	"	"	125	550 1967	"	"	1214	78 " "	"	"	671
				623 " "	"	"	1385	97 " "	"	"	87	559 " "	"	"	1494	82 " "	"	"	762
				631 " "	"	"	1299	100 " "	"	"	1450	571 1968	"	"	983	86 " "	"	"	674
				639 " "	"	"	1355	105 1968	"	"	48	592 " "	"	"	1232	89 " "	"	"	600
				648 " "	"	"	1379	110 1969	"	"	1274	621 " "	"	"	408	97 " "	"	"	579
				655 1969	"	"	1461	116 1967	"	"	1227	659 1969	"	"	666	102 " "	"	"	552
				662 " "	"	"	1481	128 1968	"	"	1292	666 " "	"	"	671	105 " "	"	"	590
				665 1968	"	"	1390	133 " "	"	"	1495	682 " "	"	"	682	109 " "	"	"	655
				692 " "	"	"	152	141 " "	"	"	1336	687 " "	"	"	687	114 " "	"	"	823
				706 " "	"	"	1395	147 " "	"	"	1299	694 " "	"	"	694	123 " "	"	"	764
				712 " "	"	"		157 1969	"	"	69					132 " "	"	"	734

(1969) 2 S C J				(1969) 2 S C J				1969 S C D				(1968) 2 SCWR				(1969) 1 SCWR			
SCJ	AIR	SO		SCJ	AIR	SO		SCD	AIR	SO		SCWR	AIR	SO		SCWR	AIR	SO	
147	1969	751		689	1969	1349		134	1968	1468		351	1969	552		593	1969	50	134
160	"	612		691	1970	5		149	"	1361		357	"	313		615	"	"	42
177	"	496		693	1969	1234		167	1969	73		373	"	556		624	"	"	43
181	"	530		698	"	1270		166	1968	1370		381	"	297		633	"	"	37
193	"	663		701	"	1122		172	1969	90		393	"	253		639	"	"	43
198	"	677		705	"	940		193	"	4		417	"	682		653	"	"	40
203	"	817		710	"	1160		209	"	40		448	"	579		680	"	"	1054
203	"	692		716	"	1262		218	"	63		461	"	401		692	"	"	484
217	"	770		721	"	1094		232	"	125		472	"	893		701	"	"	474
222	"	235		727	1970	14		238	1963	1099		489	"	575		721	"	"	891
226	"	549		733	1969	1183		291	1969	23		512	"	270		731	"	"	433
235	"	306		737	"	1273		324	1968	1028		621	"	276		739	"	"	1094
243	"	186		740	"	1294		335	"	1273		735	"	168		748	"	"	971
247	1968	870		743	"	1359		342	"	1450		764	1968	1182		758	"	"	1267
259	1969	360		745	1970	1		362	"	1489		783	"	1109		768	"	"	1167
270	"	880		751	1969	956		364	"	1390		794	1969	69		716	1970	"	6
275	"	992		756	1970	58		372	"	1379		804	1188	1332		792	1969	"	1349
282	"	998		759	1969	1034		385	"	1438		813	"	1393		803	"	"	1258
290	"	513		773	"	1114		397	1969	1081		817	"	1402		832	"	"	1275
306	"	1014		779	"	1302		414	1968	1308		828	"	1495		861	1970	"	102
313	"	504		784	"	1147		426	1969	1464		838	"	1308		869	1969	"	1502
322	"	634		791	"	1238		430	1968	1351		848	"	1028		880	"	"	1133
343	"	744		784	"	1118		452	1969	1150		857	1969	90		928	"	"	1289
351	"	851		798	"	1078		460	1968	1024		874	1963	1299		944	"	"	1183
360	"	864		802	"	963		468	1969	938		882	1968	1413		958	1970	"	1
365	"	884		806	1970	66		473	1968	1109		889	"	1370		965	1969	"	1359
370	"	1004		810	1969	1291		483	1969	1344		895	"	1276		968	"	"	1294
381	"	1028		813	"	1288		495	1968	1095		905	1969	23		978	1970	"	109
388	"	135		818	1970	87		505	1969	1306		914	"	180		987	1969	"	493
393	"	862		825	1969	1330		515	"	956		918	1968	1489		993	"	"	565
396	"	843		831	"	1344		529	1968	1319		928	"	1210		999	"	"	563
406	"	831		837	"	1225		546	"	1292						1004	"	"	499
409	"	903		946	1970	21		561	1969	600						1008	"	"	569
423	"	197		853	"	30		577	1968	1199						1013	"	"	542
429	"	932		858	"	27		584	"	1281						1021	"	"	502
436	"	888		862	"	40		615	1969	15						1027	1970	"	62
441	"	917		864	"	20		627	1968	1275						1034	1969	"	388
413	"	869		866	"	42		631	"	1413						1047	1970	"	118
457	"	840		875	"	7		642	1967	1153						1103	"	"	20
460	"	819		878	1969	961		650	1969	13						1106	1969	"	1297
463	"	501						654	1968	1367						1115	1970	"	158
467	"	783						659	"	1466						112	"	"	150
500	"	893						672	1969	1238						1149	1969	"	422
505	"	872						679	1968	1455						1164	"	"	1249
513	"	966						686	"	1073						1162	1970	"	14
518	"	1153						693	1969	7						1199	1969	"	518
523	"	951						719	1970	7						1295	1970	"	87
525	"	938						736	1968	450									
527	"	1144						743	1970	27									
531	1967	1335						757	1969	1144									
541	1969	1020						785	"	1249									
545	"	927						844	"	1028									
549	"	946						908	"	1311									
554	"	1053						919	"	961									
560	"	1089						929	"	1118									
566	"	1241						937	1970	189									
571	"	944						944	"	97									
574	"	1088						982	1969	971									
579	"	1352						1008	1970	20									
583	"	983						1039	"	108									
593	"	1024						1048	"	146									
598	"	1201						1110	"	137									
625	"	1062						1131	"	181									
632	"	1100																	
641	"	1157																	
644	"	1108																	
648	"	1126																	
652	"	930																	
654	"	1130																	
661	"	1187																	
685	"	1165																	
688	"	1076																	
674	"	1190																	
680	"	1031																	

(1968) 2 SCWR				(1969) 1 SCWR			
SCWR	AIR	SO		SCWR	AIR	SO	
351	1969	552		593	1969	50	134
357	"	313		615	"	"	42
373	"	556		624	"	"	43
381	"	297		633	"	"	37
393	"	253		639	"	"	43
417	"	682		653	"	"	40
448	"	579		680	"	"	1054
461	"	401		692	"	"	484
472	"	893		701	"	"	474
489	"	575		721	"	"	891
512	"	270		731	"	"	433
621	"	276		739	"	"	1094
735	"	168		748	"	"	971
764	1968	1182		758	"	"	1267
783	"	1109		768	"	"	1167
794	1969	69		716	1970	"	6
804	1188	1332		792	1969	"	1349
813	"	1393		803	"	"	1258
817	"	1402		832	"	"	1275
828	"	1495		861	1970	"	102
838	"	1308		869	1969	"	1502
848	"	1028		880	"	"	1133
857	1969	90		928	"	"	1289
874	1963	1299		944	"	"	1183
882	1968	1413		958	1970	"	1
889	"	1370		965	1969	"	1359
895	"	1276		968	"	"	1294
905	1969	23		978	1970	"	109
914	"	180		987	1969	"	493
918	1968	1489		993	"	"	565
928	"	1210		999	"	"	563
				1004	"	"	499
				1008	"	"	569
				1013	"	"	542
				1021	"	"	502
				1027	1970	"	62
				1034	1969	"	388
				1047	1970	"	118
				1103	"	"	20
				1106	1969	"	1297
				1115	1970	"	158
				112	"	"	150
				1149	1969	"	422
				1164	"	"	1249
				1162	1970	"	14
				1199	1969	"	518
				1295	1970	"	87

(1969) 2 SCWR			
SCWR	AIR	SO	
1	1970	50	77
33	1969	"	946
46	1970	"	7
56	1969	"	1171
78	"	"	940
86	"	"	1108
124	"	"	1160
150	"	"	1245
176	1968	"	1050
182	1969	"	823
223	"	"	1234
248	1970	"	165
309	1969	"	778
318	"	"	761
366	"	"	

ILR (1967) 2 All

ILR	AIR
406 1967	SC 1384
412 "	" 1386
554 "	" 1747
663 1968	" 111
670 "	" 5
741 1967	" 1631
749 1968	" 114
759 "	" 46
768 "	" 102
827 "	" 261
839 "	" 227
850 "	" 384
863 "	" 365

ILR (1968) 1 All

ILR	AIR
221 1968	SC 450
230 "	" 466
252 "	" 410
864 "	" 728
871 "	" 954
923 "	" 960

ILR (1968) 2 All

ILR	AIR
1 1968	SC 772

1969 All Cri R

All Cri R	AIR
49 1968	SC 1444
154 "	" 1422
157 1969	SC 40
224 "	" 355
257 1968	" 1402
272 1969	" 1464
312 "	" 689
325 "	" 686
339 1970	" 140
349 1969	" 422
439 1970	" 20

1969 All L J

All L J	AIR
1 1969	SC 53
51 "	" 7
53 1968	" 1273
68 "	" 1893
159 1969	" 285
290 "	" 253
323 "	" 193
344 "	" 313
377 1968	" 1509
387 1969	" 474
394 "	" 401
462 "	" 258
467 1968	" 395
475 1969	" 1292
570 "	" 297
598 "	" 674
635 "	" 556
638 "	" 689
638 "	" 422
736 "	" 499

1969 All L J

All L J	AIR
988 1969	SC 1118
1009 "	" 1238
1071 1970	" 58
1074 1968	" 1073

1968 All W R (HC)

All W R	AIR
722 1968	SC 1351
748 "	" 1058
767 1969	" 7
884 "	" 73

1969 All W R (HC)

All W R	AIR
59 1968	SC 1444
223 "	" 1422
227 1969	" 40
306 "	" 1349
351 "	" 355
404 1968	" 1403
421 "	" 1464
473 1969	" 689
497 1969	" 686
511 1970	" 140
549 1969	" 422
738 "	" 674

(1968) 17 Fac L R

F L R	AIR
218 1969	SC 530
411 "	" 118
445 1968	" 800

(1969) 18 Fac L R

FLR	AIR
10 1969	SC 276
100 1968	" 1495
125 1969	" 180
159 "	" 285
164 "	" 306
172 "	" 360
189 "	" 162
284 "	" 590
300 "	" 966
308 1970	" 87
315 1969	" 513
336 "	" 612
373 "	" 1335
397 1970	" 6

(1969) 19 Fac L R

FLR	AIR
27 1970	SC 82
67 1969	" 762
117 1970	" 196
140 1969	" 1306
180 "	" 992
191 "	" 933

1969 (19) Fac L R

Fac L R	AIR
203 1969	SC 998
212 "	" 976
246 1968	" 1367
258 1970	" 70
375 1969	" 1280

(1968) 2 An L T

An LT	AIR
280 1969	SC 50
354 1968	" 1379
375 "	" 1005

(1969) 1 An L T

An LT	AIR
41 1968	SC 1299
47 "	" 1393
62 1969	" 110
101 1968	" 1223

(1969) 1 An W R (SC)

AnWR (SC)	AIR
1 1968	SC 327
6 "	" 1028
11 "	" 1047
28 1969	" 147
47 "	" 348
51 1968	" 1138
83 1969	" 563
86 "	" 493
90 "	" 435

(1969) 2 An W R (SC)

AnWR (SC)	AIR
1 1969	SC 682
6 "	" 740
9 "	" 701
15 "	" 110
25 "	" 569
28 "	" 552
31 "	" 764
38 "	" 530
50 "	" 692
59 "	" 634
60 "	" 843
60 "	" 1068
95 "	" 940
99 1970	" 14
105 1969	" 1359
107 "	" 1147
114 1970	" 66

ILR (1965) 17

Assam	AIR
ILR	AIR
1 1965	SC 1301
97 "	" 1196
359 "	" 1711
374 "	" 1561
443 1966	" 1220

Assam L R (1969)

Assam L R	SC
1 1968	SC 658
15 1969	" 831

(1969) 71 Bom L R

B L R	AIR
43 1968	SC 1323
48 "	" 1413
52 1969	" 40
55 1968	" 1267
59 "	" 1364
62 "	" 1358
66 "	" 1339
83 "	" 1444
89 1969	" 37
93 "	" 63
141 1968	" 1395
148 1969	" 168
236 "	" 128
244 1968	" 1390
248 "	" 1319
438 1969	" 329
449 "	" 270
678 "	" 566
681 "	" 489
693 "	" 560
696 "	" 724

1969 Cri L J

Cri L J	AIR
1 1968	SC 1419
4 "	" 1422
6 "	" 1438
13 "	" 1444
19 "	" 1450
23 "	" 1464
26 "	" 1468
33 "	" 1509
37 "	" 1517
239 1969	" 4
257 "	" 7
259 "	" 15
262 "	" 17
267 "	" 30
271 "	" 40
274 "	" 43
279 "	" 53
285 "	" 63
401 "	" 189
520 "	" 258
525 "	" 323
645 "	" 355
649 "	" 373
654 "	" 381
659 "	" 401
663 "	" 414
671 "	" 422
803 "	" 483
1057 "	" 686
1061 "	" 689
1064 "	" 724
1428 "	" 951
1430 "	" 956
1435 "	" 961
1440 "	" 1014
1446 "	" 1028
1555 "	" 1153
1559 "	" 1171

1969 Lab I C

Lab I C	AIR
90 1969	SC 90
100 "	" 118
107 "	" 125
191 "	" 27
194 "	" 30
245 "	" 63
310 "	" 180
313 "	" 182
319 "	" 212
322 "	" 235
458 "	" 276
467 "	" 306
599 "	" 360
837 "	" 513
854 "	" 530
867 "	" 590
1139 "	" 744
1146 "	" 762
1368 "	" 966
1373 "	" 976
1380 "	" 983
1389 "	" 992
1396 "	" 938
1402 "	" 1020
1520 "	" 1249
1526 "	" 1280
1534 "	" 1302
1538 "	" 1335
1547 "	" 1294

1969 Lab I C

(See page 124)

1969 Maha L J

Maha L J	AIR
1 1969	SC 78
17 1968	" 1395
110 "	" 822
153 "	" 938
226 "	" 676
245 1969	" 4
299 1968	" 1323
305 "	" 1267
310 "	" 1413
332 "	" 850
367 1969	" 255
370 "	" 37
391 "	" 63
407 "	" 276
417 "	" 313
495 "	" 560
513 "	" 459
527 "	" 401
586 "	" 566
592 1968	" 1390
597 1969	" 724
610 1968	" 366
643 1970	" 126
778 "	" 161
780 1969	" 270
848 "	" 590
855 "	" 496
865 1968	" 594
860 1969	" 329
950 1970	" 93
956 1969	" 1190

(1969) 10 Guj

Guj L R	AIR
48 1968	SC 1481
100 1969	" 69
117 " "	" 168
156 " "	" 63
175 " "	" 37
188 1968	" 1468
349 1969	" 239
358 " "	" 270
366 " "	" 267
406 " "	" 373
421 " "	" 439
829 " "	" 1190
851 " "	" 1302
879 " "	" 634
919 " "	" 1196
982 " "	" 1294
992 " "	" 1297
1004 " "	" 770
1036 " "	" 1225

1968 Ker L J

Ker L J	AIR
949 1969	SC 63
955 " "	" 128

1969 Ker L J

Ker L J	AIR
1 1969	SC 15
8 1968	" 1513
14 " "	" 1419
45 " "	" 1432
212 1969	" 255
277 " "	" 276
340 " "	" 285
344 " "	" 343
349 " "	" 360
413 " "	" 504
436 " "	" 378

1968 Ker L T

Ker L T	AIR
649 1969	SC 378
721 " "	" 869
794 " "	" 430
878 " "	" 465

1969 Ker L T

Ker L T	AIR
213 1969	SC 930
215 " "	" 1122
290 " "	" 198

1969 Jab L J

Jab L J	AIR
1 1969	SC 78
32 " "	" 4
46 1968	" 676
53 " "	" 1299
75 " "	" 850
102 " "	" 642
129 " "	" 1458
403 1969	" 953

1969 Jab L J

Jab LJ	AIR
414 1968	SC 1971
441 1969	" 395
460 " "	" 313
479 " "	" 401
485 " "	" 519
495 " "	" 255
514 " "	" 579
520 " "	" 496
818 1970	" 93
837 1969	" 1276
865 1970	" 158

1969 M P L J

MPLJ	AIR
1 1969	SC 78
109 1968	" 938
212 " "	" 850
252 " "	" 1458
268 " "	" 1823
266 " "	" 1267
271 " "	" 1413
284 " "	" 676
346 1969	" 255
355 " "	" 313
381 1968	" 894
386 " "	" 881
421 1969	" 1276
425 " "	" 579
459 " "	" 395
465 " "	" 401
479 " "	" 953
493 " "	" 549
529 1968	" 1390
598 " "	" 366
706 1970	" 153
793 " "	" 161
797 1969	" 496
820 " "	" 590
874 1970	" 93
945 1968	" 1461

1967 M P W R

MPWR	AIR
1 1967	SC 1134
8 " "	" 553
30 " "	" 540
38 " "	" 1326
51 " "	" 523
55 " "	" 1030
57 " "	" 1342
59 " "	" 1105
64 " "	" 1170
69 " "	" 1348
74 " "	" 272
91 " "	" 569
101 " "	" 1032
137 " "	" 1264
190 " "	" 286
214 " "	" 1124
247 " "	" 1344
280 " "	" 1193
314 " "	" 1315
321 " "	" 1366
325 " "	" 1233
348 " "	" 1454
354 " "	" 1156
369 " "	" 608
407 " "	" 1384
433 " "	" 1162

1967 M P W R

MPWR	AIR
511 1967	SC 448
526 " "	" 1401
553 " "	" 1643
697 " "	" 565

1968 M P W R

MPWR	AIR
1 1968	SC 240
25 " "	" 365
61 1967	" 1167
107 1968	" 384
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228 " "	" 579
240 " "	" 286
253 " "	" 410
258 " "	" 494
271 " "	" 117
282 " "	" 16
326 1967	" 1390
398 1968	" 676
421 " "	" 960
424 " "	" 728
452 " "	" 881
456 " "	" 954
479 " "	" 620
509 " "	" 850
541 " "	" 894
587 " "	" 642
606 " "	" 707
615 " "	" 1186
633 " "	" 1218
638 " "	" 1203
666 " "	" 1079
682 " "	" 1053
778 " "	" 1270
799 1967	" 1022
826 1968	" 1461
842 " "	" 1458
885 1969	" 30
894 1968	" 1299
921 1969	" 4

1969 M P W R

MPWR	AIR
2 1968	SC 1281
61 1969	" 53
88 1968	" 1393
90 1969	" 7
92 1968	" 1273
188 1969	" 255
200 " "	" 78
260 " "	" 253
262 " "	" 193
315 " "	" 313
318 1968	" 1509
344 1969	" 579
349 " "	" 496
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373 " "	" 474
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420 1968	" 1292
428 1969	" 395
458 " "	" 583
528 " "	" 674
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1969 M P W R

MPWR	AIR
603 1969	SC 549
622 " "	" 590
872 " "	" 953
877 " "	" 1118
913 " "	" 1238
969 " "	" 1276
981 " "	" 1256
1004 1970	" 14

(1968) 2 M L J (SC)

MLJ (SC)	AIR
121 1968	SC 1012
127 " "	" 1489
134 " "	" 985

(1969) 1 M L J (SC)

MLJ (SC)	AIR
1 1963	SC 327
6 " "	" 1028
11 " "	" 1047
28 1969	" 147
47 " "	" 348
51 1968	" 1138
83 1969	" 563
86 " "	" 493
90 " "	" 435

(1969) 2 M L J (SC)

MLJ (SC)	AIR
1 1969	SC 682
6 " "	" 740
9 " "	" 701
15 " "	" 110
25 " "	" 569
28 " "	" 552
31 " "	" 764
38 " "	" 580
50 " "	" 692
59 " "	" 634
80 " "	" 843
10 " "	" 1038
95 " "	" 940
99 1970	" 14
105 1969	" 1359
107 " "	" 1147
114 1970	" 66

1969 MLJ (Cri)

MLJ (Cri)	AIR
1 1968	SC 1303
3 " "	" 1250
7 1969	" 7
10 1968	" 1517
31 " "	" 1251
36 " "	" 1311
41 " "	" 1348
46 1969	" 40
49 1968	" 1509
69 1969	" 15
72 1968	" 1422
75 1969	" 30
130 1968	" 1468
137 1969	" 53
144 1963	" 1339
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154 " "	" 1792
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209 1969	" 253
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310 " "	" 63
321 1968	" 1444
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330 1967	" 1214
344 " "	" 1494
388 1968	" 1402
395 1969	" 4
398 " "	" 43
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471 " "	" 381
476 " "	" 483
482 " "	" 689
484 " "	" 686
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527 " "	" 323
547 " "	" 701
636 " "	" 1014
665 " "	" 1004
675 " "	" 1028
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721 " "	" 951
724 1967	" 1335
734 1969	" 1020
739 " "	" 1108
748 " "	" 983
814 " "	" 956
871 " "	" 961

1968 M L W (Cri)

MLW (Cri)	AIR
65 1963	SC 178
70 " "	" 594
76 " "	" 609
79 " "	" 1
84 " "	" 43
188 " "	" 960
190 " "	" 1292
197 " "	" 1348
200 " "	" 1281
205 " "	" 1267

1968 Mad L J (Cri)

MLJ (Cri)	AIR
711 1968	SC 1464
723 " "	" 1438
730 " "	" 1273
733 " "	" 1275
757 " "	" 1270
793 " "	" 765
861 1969	" 961

[illegible]

1969 LAB. I. C.

1969 Lab I C				1969 Lab I C				1969 Lab I C				1969 Lab I C				1969 Lab I C			
Lab IC		A I R		Lab IC		A I R		Lab IC		A I R		Lab IC		A I R		Lab IC		A I R	
90	1969	S C	90	313	1969	S C	182	837	1969	S C	513	1373	1969	S C	976	1520	1969	S C	1249
107	"	"	125	319	"	"	212	854	"	"	530	1380	"	"	983	1526	"	"	1280
191	"	"	27	322	"	"	235	867	"	"	590	"	"	"	993	1534	"	"	1303
194	"	"	30	458	"	"	276	1139	"	"	744	1389	"	"	992	1538	"	"	1335
245	"	"	63	467	"	"	306	1146	"	"	762	1396	"	"	998	1547	"	"	1294
510	"	"	180	599	"	"	360	1368	"	"	966	1402	"	"	1020				

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Accidents Claims Journal—(Delhi)

1956—Citation by year.

Agra High Court Reports

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Ajmer-Merwara Law Journal

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1941	1942	1943	1944	1945	1946	1947
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(I. L. R.) Allahabad

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1892	1893	1894	1895	1896	1897
21	22	23	24	25	26
1899	1900	1901	1902	1903	1904
28	29	30	31	32	33
1906	1907	1908	1909	1910	1911
35	36	37	38	39	40
1913	1914	1915	1916	1917	1918
42	43	44	45	46	47
1920	1921	1922	1923	1924	1925
49	50	51	52	53	54
1927	1928	1929	1930	1931	1932
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Allahabad Criminal Reports

1953—Citation by year.

Allahabad Law Journal

1	2	3	4	5	6	7
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16	17	18	19	20	21	22
1918	1919	1920	1921	1922	1923	1924
23	24	25	26	From 1929 citation is by year		
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Allahabad Weekly Reporter

1935—Citation by year.

All India Tribunal Cases

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(I. L. R.) Andhra or (I. L. R.) Andhra Pradesh

1955—Citation by year.

Andhra Law Times

1954—Citation by year.

Andhra Weekly Reporter

1955—Citation by year.

(I. L. R.) Assam

1	2	3	4	5	6	7
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Assam Law Reports

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1953—Citation by year.

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(I. L. R.) Bombay

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Bombay Law Reporter

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29	30	31	32	33	34	35
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36	37	38	39	40	41	42
1934	1935	1936	1937	1938	1939	1940
43	44	45	46	47	48	49
1941	1942	1943	1944	1945	1946	1947
50	51	52	53	54	55	56
1948	1949	1950	1951	1952	1953	1954
57	58	59	60	61	62	63
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1962	1963	1964	1965	1966	1967	1968
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Burma Law Journal

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Burma Law Reports

1948—Citation by year.

Burma Law Times

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1908	1909	1910	1911	1912	1913	1914
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1915	1916	1917	1918	1919	1920	

(I. L. R.) Calcutta

1	2	3	4	5
1875-1876	1876-1877	1877-1878	1879	1880
6-7	8	9	10	11
1881	1882	1883	1884	1885
15	16	17	18	19
1888	1889	1890	1891	1892
22	23	24	25	26
1895	1896	1897	1898	1899
29	30	31	32	33
1902	1903	1904	1905	1906
36	37	38	39	40
1909	1910	1911	1912	1913
43	44	45	46	47
1916	1917	1918	1919	1920
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From 1937, citation is by year.				

Calcutta Law Journal

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1911	1912	1913	1914	1915	1916	1917
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Calcutta Weekly Notes (*contd.*)

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1946	1947	1948	1949	1950	1951	1952
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1953	1954	1955	1956	1957	1958	1959
64	65	66	67	68	69	70
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1945	1946	1947	1948	1949	1950	1951
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1952	1953	1954	1955	1956	1957	1958
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Company Law Journal (Madras)

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Co-operative Law Journal—(Delhi)

1964—Citation by year.

Criminal Law Journal

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1918	1919	1920	1921	1922	1923	1924
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1952						citation is by year.

Current Law Journal (Punjab)

1961—Citation by year.

Current Indian Statutes (Important Judgments)

1962—Citation by year.

(I L R.) Cuttack

1949—Citation by year.

Cuttack Law Times

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Federal Court Reports

1939—Citation by year.

Federal Law Journal (Madras)

1938—Citation by year.

I. L. R. (Gujarat)

1963—Citation by year.

Gujarat High Court Reporter

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Gujarat Law Reporter

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(I. L. R.) Hyderabad

1951—Citation by year.

Hyde's Reports

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Income-tax Journal (Madras)

1963—Citation by year.

Income-tax Reports (Madras)

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Jabalpur Law Journal

1957—Citation by year.

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1946—Citation by year.

(I. L. R.) Karachi

1939—Citation by year.

Karnatak Law Journal (Mysore)

1957—Citation by year

Kashmir Law Journal

1962—Citation by year

(I. L. R.) Kerala

1957—Citation by year.

Kerala Law Journal

1957—Citation by year.

Kerala Law Reporter

1959—Citation by year.

Kerala Law Times

1949—Citation by year.

Knapp's Reports, Privy Council

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Labour and Industrial Cases (Published by A. I. R.)

1968—Citation is by year.

Labour Appeal Cases

1954—Citation by year.

Labour Law Journal (Madras)

1	2	From 1951, Citation is by
1949	1950	year.

(I. L. R.) Lahore

1	2	3	4	5	6	7
1920	1921	1922	1923	1924	1925	1926
8	9	10	11	12	13	14
1927	1928	1929	1930	1931	1932	1933
15	16	17	From 1937 to 1947 cita-			
1934	1935	1936	tion by year.			

(Pak. L. R.) Lahore

Pak L. R. 1948 Lah - Citation by year.

Lahore Law Journal

1	2	3	4	5	6	7
1919	1920	1921	1922	1923	1924	1925
8	9	10	11	12		
1926	1927	1928	1929	1930		

Law Reporter, Allahabad

1	2	3	4	5	6	7
1920	1921	1922	1923	1924	1925	1926
8	9	10	11	12	13	14
1927	1928	1929	1930	1931	1932	1933
15	16	17				
1934	1935	1936				

Law Reports (Mysore)

1-4	5-8	9-12	13-16	17-20
1965	1966	1967	1968	1969

Lower Burma Rulings

1	2	3	4
1900-1902	1903-1904	1905-1906	1907-1908
5	6	7	8
1909-1910	1911-1912	1912-1914	1915-1916
9	10	11	
1917-1918	1919-1920	1921-1922	

(I. L. R.) Lucknow

1	2	3	4	5	6	7
1926	1927	1928	1929	1930	1931	1932
8	9	10	11	12	13	14
1933	1934	1935	1936	1937	1938	1939
15	16	17	18	19	20	21
1940	1941	1942	1943	1944	1945	1946
22	23					
1947	1948					

(I. L. R.) Madhya Bharat

1952-Citation by year.

Madhya Bharat Law Journal

1952-Citation by year.

Madhya Bharat Law Reporter

1952-Citation by year.

R Madhya Pradesh

1957-Citation by year.

Madhya Pradesh Cases

1957-Citation by year.

Madhya Pradesh Law Journal

1956-Citation by year

Madhya Pradesh Weekly Reporter

1967-Citation by year.

(I L R) Madras

1	2	3	4-5	6
1876-1878	1878-1880	1881	1882	1883
7	8	9	10	11
1884	1885	1886	1887	1888
14	15	16	17	18
1889	1890	1891	1892	1893
21	22	23	24	25
1894	1895	1896	1897	1898
28	29	30	31	32
1900	1901	1902	1903	1904
33	34			
1905	1906	1907	1908	1909
1910	1911			

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(I. L. R) Madras (contd.)

35	36	37	38	39	40	41
1912	1913	1914	1915	1916	1917	1918
42	43	44	45	46	47	48
1919	1920	1921	1922	1923	1924	1925
49	50	51	52	53	54	55
1926	1927	1928	1929	1930	1931	1932
56	57	58	59	From 1937 citation is by year.		
1933	1934	1935	1936			

Madras High Court Reports

1	2	3	4
1862-1863	1864-1865	1866-1868	1868-1869
5	6	7	8
1869-1870	1870-1871	1871-1874	1874-1875

Madras Law Journal

1	2	3	4	5	6	7
1891	1892	1893	1894	1895	1896	1897
8	9	10	11	12	13	14
1898	1899	1900	1901	1902	1903	1904
15	16	17	18	19	20	21
1905	1906	1907	1908	1909	1910	1911
22-23	24-25	26-27	28-29	30-31	32-33	
1912	1913	1914	1915	1916	1917	
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58-59	60-61	62-63	64-65	66-67	68-69	
1930	1931	1932	1933	1934	1935	
70-71	From 1937 citation is by year.					
1936						

Madras Law Journal (Criminal)

1956-Citation by year

Madras Law Times

1	2	3-4	5-6	7-8	9-10	11-12
1906	1907	1908	1909	1910	1911	1912
13-14	15-16	17-18	19-20	21-22	23-24	
1913	1914	1915	1916	1917	1918	
25-26	27-28	29	30-31	32-33	34-35	
1919	1920	1921	1922	1923	1924	

Madras Law Weekly

1	2	3-4	5-6	7-8	9-10	11-12
1914	1915	1916	1917	1918	1919	1920
13-14	15-16	17-18	19-20	21-22	23-24	
1921	1922	1923	1924	1925	1926	
25-26	27-28	29-30	31-32	33-34	35-36	
1927	1928	1929	1930	1931	1932	
37-38	39-40	41-42	43-44	45-46	47-48	
1933	1934	1935	1936	1937	1938	
49-50	51-52	53-54	55	56	57	
1939	1940	1941	1942	1943	1944	
58	59	60	61	62	63	64
1945	1946	1947	1948	1949	1950	1951
65	66	67	68	69	70	71
1952	1953	1954	1955	1956	1957	1958
72	73	74	75	76	77	78
1959	1960	1961	1962	1963	1964	1965
79	80	81	82			
1966	1967	1968	1969			

Madras Law Weekly (Criminal)

1966-Citation by year.

Madras Weekly Notes

1910—Citation by year

Maharashtra Law Journal (Nagpur)

1963—Citation by year.

Marwar Law Reporter

1947—Citation by year.

Moore's Indian Appeals

1	2	3	4
1836-1837	1837-1841	1841-1846	1846-1851
5	6	7	8
1851-1854	1854-1857	1857-1859	1859-1861
9	10	11	12
1861-1863	1863-1866	1866-1867	1867-1869
13	14		
1869-1870	1870-1872		

Municipal Law Journal

1	2
1962	1963

(I. L. R.) Mysore

1951—Citation by year.

Mysore Chief Court Reports

1	2	3	4	5	6	7
1896	1897	1898	1899	1900	1901	1902
8	9	10	11	12	13	14
1903	1904	1905	1906	1907	1908	1909
15	16	17	18	19	20	21
1910	1911	1912	1913	1914	1915	1916
22	23	24	25	26	27	28
1917	1918	1919	1920	1921	1922	1923
29	30	31	32	33	34	35
1924	1925	1926	1927	1928	1929	1930

Mysore High Court Reports

36	37	38	39	40	41	42
1931	1932	1933	1934	1935	1936	1937
43	44	45	46	47	48	49
1938	1939	1940	1941	1942	1943	1944
50	51	52	53	54	55	
1945	1946	1947	1948	1949	1950	

Mysore Law Journal

1	2	3	4	5	6	7
1923	1924	1925	1926	1927	1928	1929
8	9	10	11	12	13	14
1930	1931	1932	1933	1934	1935	1936
15	16	17	18	19	20	21
1937	1938	1939	1940	1941	1942	1943
22	23	24	25	26	27	28
1944	1945	1946	1947	1948	1949	1950
29	30	31	32	33	34	35
1951	1952	1953	1954	1955	1956	1957
36	37	38	39	40	41	42-43
1958	1959	1960	1961	1962	1963	1964
44-45	46	47	48	49		
1965	1966	1967	1968	1969		

Mysore Law Reports

1	2	3	4	5	6	7
1878	1879	1880	1881	1882	1883	1884
8	9	10	11	12	13	14
1885	1886	1887	1888	1889	1890	1891
15	16	17	18			
1892	1893	1894	1895			

(I. L. R.) Nagpur

1936—Citation by year.

Nagpur Law Journal

1	2	3	4	5	6	7
1918	1919	1920	1921	1922	1923	1924
8	9	10	11	12	13	14
1925	1926	1927	1928	1929	1930	1931
15	16	17	18	19	20	
1932	1933	1934	1935	1936	1937	From
1938—Citation is by year.						

Nagpur Law Reports

1	2	3	4	5	6	7
1905	1906	1907	1908	1909	1910	1911
8	9	10	11	12	13	14
1910	1913	1914	1915	1916	1917	1918
15	16	17	18	19	20	21
1919	1920	1921	1922	1923	1924	1925
22	23	24	25	26	27	28
1926	1927	1928	1929	1930	1931	1932
29	30	31				
1933	1934	1935				

North-West Provinces High Court Reports

1	2	3	4	5	6	7
1869	1870	1871	1872	1873	1874	1875

Orissa Judicial Decisions

1	2	3	4	5	6	7
1959	1960	1961	1962	1963	1964	1965
8	9	10	11			
1966	1967	1968	1969			

Oudh Cases

1	2	3	4	5	6	7
1898	1899	1900	1901	1902	1903	1904
8	9	10	11	12	13	14
1905	1906	1907	1908	1909	1910	1911
15	16	17	18	19	20	21
1912	1913	1914	1915	1916	1917	1918
22	23	24	25	26	27	28
1919	1920	1921	1922	1923	1924	1925
29						
1926						

Oudh Law Journals

1	2	3	4	5	6	7
1914	1915	1916	1917	1918	1919	1920
8	9	10	11	12	13	
1921	1922	1923	1924	1925	1926	

Oudh Law Reports

1934—Citation by year.

Oudh Weekly Notes

1	2	3	4	5	6	7
1924	1925	1926	1927	1928	1929	1930
8	9	10	11	From 1935 citation is by year.		
1931	1932	1933	1934			

(I. L. R.) Patna

1	2	3	4	5	6	7
1922	1923	1924	1925	1926	1927	1928
8	9	10	11	12	13	14
1929	1930	1931	1932	1933	1934	1935
15	16	17	18	19	20	21
1936	1937	1938	1939	1940	1941	1942
22	23	24	25	26	27	28
1943	1944	1945	1946	1947	1948	1949
29	30	31	32	33	34	35
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Patna High Court Cases

1957 - Citation by year.

Patna Law Journal

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1916	1917	1918	1919	1920	1921

Patna Law Journal Reports

1968 - Citation by year.

Patna Law Reports

1	2	3
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Patna Law Times

1	2	3	4	5	6	7
1920	1921	1922	1923	1924	1925	1926
8	9	10	11	12	13	14
1927	1928	1929	1930	1931	1932	1933
15	16	17	18	19	20	21
1934	1935	1936	1937	1938	1939	1940
22	23	24	25	26	27	28
1941	1942	1943	1944	1945	1946	1947
29	30					
1948	1949					

Patna Law Weekly

1	2-3	4-5
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Patna Weekly Notes

1936 - Citation by year.

(I. L. R.) Patiala

1952 - Citation by year.

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1	2	3
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(I. L. R.) Punjab or East Punjab

1948 - Citation by year.

Punjab Law Journal

1967 - Citation by year.

Punjab Law Reporter

1900 - Citation by year upto 1924 and then						
26	27	28	29	30	31	32
1925	1926	1927	1928	1929	1930	1931
33	34	35-36	37	38	39	40
1932	1933	1934	1935	1936	1937	1938
41	42	43	44	45	46	47
1939	1940	1941	1942	1943	1944	1945
48	49	50	51	52	53	54
1946	1947	1948	1949	1950	1951	1952
55	56	57	58	59	60	61
1953	1954	1955	1956	1957	1958	1959
62	63	64	65	66	67	68
1960	1961	1962	1963	1964	1965	1966
69	70	71				
1967	1968	1969				

Punjab Law Reporter (Delhi Section)

70	71
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Punjab Records

1872 - Citation by year.

Punjab Weekly Reporter

1905 - Citation by year.

(I. L. R.) Rajasthan

1	2	3	4	5	6	7
1951	1952	1953	1954	1955	1956	1957
8	9	10	11	12	13	14
1958	1959	1960	1961	1962	1963	1964
15	16	17	18	19		
1965	1966	1967	1968	1969		

Rajasthan Law Weekly

1950 - Citation by year.

(I. L. R.) Rangoon

1	2	3	4	5	6	7
1923	1924	1925	1926	1927	1928	1929
8	9	10	11	12	13	14
1930	1931	1932	1933	1934	1935	1936

Rangoon Law Reports

1937 - Citation by year upto 1947.

Rent Control Reporter - Chandigarh

1969 - Citation by year.

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Sales Tax Cases (Madras)

1	2	3	4	5	6	7
1938-50	1951	1952	1953	1954	1955	1956
8	9	10	11	12	13	14
1957	1958	1959	1960	1961	1962	1963
15	16	17-18	19-20	21-22	23-24	
1964	1965	1966	1967	1968	1969	

Saurashtra Law Reporter

1	2	3	4	5	6	7
1948	1949	1950	1951	1952	1953	1954
8	9					
1955	1956					

Services Law Reporter - Chandigarh

1967 - Citation by year.

Sind Law Reporter

1	2	3	4	5	6	7
1907	1908	1909	1910	1911	1912	1913
8	9	10	11	12	13	14
1914	1915	1916	1917	1918	1919	1920
15	16	17	18	19	20	21
1921	1922	1923	1924	1925	1926	1927
22	23	24	25	26	27	28
1928	1929	1930	1931	1932	1933	1934
29	30	31	32			
1935	1936	1937	1938			

Supreme Court Reports

1950—Citation by year.

Supreme Court Appeals

(C. W. N. Supplement)

1952—Citation by year.

Supreme Court Cases

1956—Citation by year.

Supreme Court Decisions

1961—Citation by year.

Supreme Court Journal (Madras)

1950—Citation by year.

Supreme Court Weekly Reporter

1963—Citation by year.

Sutherland's Weekly Reporter

1	2-4	5-6	7-8	9-10	11-12	13-14
1864	1865	1866	1867	1868	1869	1870
15-16	17-18	19-20	21-22	23-24	25	26
1871	1872	1873	1874	1875	1876	1877

Travancore-Cochin Law Reports

1949—Citation by year.

(I. L. R.) Travancore-Cochin

1951—Citation by year.

Travancore Law Journal

1	2	3	4	5	6	7
1911	1912	1913	1914	1915	1916	1917
8	9	10	11	12	13	14
1918	1919	1920	1921	1922	1923	1924
15	16	17	18	19	20	21
1925	1926	1927	1928	1929	1930	1931
22	23	24	25	26	27	28
1932	1933	1934	1935	1936	1937	1938
29	30	31	32	33	34	35
1939	1940	1941	1942	1943	1944	1945
36	37					
1946	1947					

Uchchatam Nyayalaya Nirnaya Patrica
(Hindi)

1968—Citation by year.

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1	2	3
1919	1920	1921

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1 Cri	2 Civ	From 1904 citation
1892-1903	1892-1903	2
by year upto 1913 and then		1914-1915
3	4	
1917-1920	1921-1923	

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(3) ALLAHABAD LAW JOURNAL (4) ALLAHABAD WEEKLY REPORTER
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ALLAHABAD HIGH COURT

1969

CHIEF JUSTICE

The Hon'ble Mr. Justice Vidyadhar Govind Oak, I.C.S.

PUISNE JUDGES

The Hon'ble Mr. Justice Jagdish Sahai.

"	"	Bishambar Dayal (up to 18-3-69 then C. J. of M. P. High Court).
"	"	Shashi Kanta Verma.
"	"	W. Broome, I.C.S.
"	"	Dhatri Saran Mathur, I.C.S.
"	"	Surendra Narayan Dwivedi.
"	"	Ram Asray Misra (At Lucknow). (Retired on 16-6-69).
"	"	Truvallangudi Ramabhadran, I.C.S.
"	"	Bhagwan Das Gupta.
"	"	Kunwar Bahadur Asthana.
"	"	Shiva Nath Katju.
"	"	Gyanendra Kumar.
"	"	Raghunandan Swarup Pathak.
"	"	Durgeshwar Dayal Seth.
"	"	Mahesh Chandra. (Retired on 2-3-69).
"	"	Mirza Hameedullah Beg.
"	"	Gursaran Das Sehgal (At Lucknow).
"	"	Shankar Dayal Khare.
"	"	Gyan Chand Mathur.
"	"	Gangeswar Prasad. (Retired on 3-1-70).
"	"	Satish Chandra.
"	"	Harish Chandra Pati Tripathi.
"	"	Lakshmi Prasad Nigam (At Lucknow).
"	"	Surendra Narayan Singh.
"	"	Uma Shankar Srivastava (At Lucknow).
"	"	Rameshwar Chandra (At Lucknow).
"	"	Yashoda Nandan.
"	"	Abani Kumar Kirty.
"	"	Kishen Chand Puri (At Lucknow).

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"	"	Jai Shankar Trivedi.
"	"	Tulsi Prasad Mukerjee.
"	"	Ram Lal Gulati.
"	"	Ram Briksh Misra.
"	"	Kuber Nath Srivastava.
"	"	Gur Saran Lal Srivastava (At Lucknow).
"	"	Bani Bilas Misra.
"	"	Chaturbhuj Das Parekh.
"	"	Bhimaji Narayan Rao Locur.
"	"	O. P. Trivedi (At Lucknow).
"	"	Hari Sarup (From 1-1-69).
"	"	Mahesh Narain Shukla (From 14-3-69).
"	"	K. B. Srivastava (From 7-7-69).
"	"	Jag Mohan Lal (At Lucknow) (From 7-7-69).
"	"	H. N. Seth (From 7-7-69).
"	"	Mohd. Hamid Husain (From 7-7-69).
"	"	Sudhi Bhushan Malik (From 23-7-69).

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See under Civil Services.

Arbitration Act (10 of 1940), S. 20 — Application under Art. 181, Limitation Act (1908) does not apply. AIR 1957 All 206 Overruled; AIR 1952 Punj 423 and AIR 1954 Cal 164 held no longer good law in view of AIR 1967 SC 990 — See Limitation Act (1908), Art. 181

(Nov) 518 (FB)

Bengal, Agra and Assam Civil Courts Act (12 of 1887), S. 4 — Courts created under are all Civil Courts — Classing some as Additional Civil Judge is only administrative convenience — See Civil P. C. (1908), S. 38

(Nov) 551A

Central Excises and Salt Act (1 of 1944), Ss. 12, 35 — U. P. Government Notification No. 69/59/F. N. 35/15/58 CH-I dated 18-7-1959 issued under S. 12 — Validity — Notification requiring appellant to deposit duty levied by Superintendent of Central Excise, prior to filing appeal — Requirement is ultra vires S. 12—Failure to deposit duty levied by Superintendent — Rejection of appeal on that ground is illegal

(Nov) 524

—S. 35 — Notification under S. 12 — Appellant required to deposit duty levied, prior to filing appeal — Notification ultra vires under S. 12 — Failure to deposit — Appeal cannot be rejected on that ground — See Central Excises and Salt Act (1944), S. 12

(Nov) 524

Central Sales Tax Act (74 of 1956)

See under Sales Tax.

Citizenship Act (57 of 1955), S. 9 (1) — Person entering India before commencement of Act (1955) cannot be deemed foreigner at time of his entry — See Foreigners Act (1946), S. 2 (a)

(Apr) 165 E

Citizenship Act (contd.)

—S. 9 (2) — Nature and validity of order under the section — See Constitution of India, Art. 77 (1)

(Apr) 165 A

—S. 9 (2) — Decision as to citizenship by Central Government — When final— See Citizenship Rules (1956), R. 30

(Apr) 165B

—S. 9 (2) — Decision as to citizenship by Central Govt. — Framing of charge under S. 14 prior to communication of order under R. 30 to accused — Proceedings are not vitiated — See Foreigners Act (1946), S. 14

(Apr) 165C

—S. 9 (2) — Citizenship Rules (1956), R. 30 — Scope of — Suit for injunction restraining Government from deporting plaintiff alleging himself to be citizen of India is not barred — What is barred is decision by Court of question whether plaintiff has acquired foreign citizenship — Procedure, when such question arises in suit, to be followed, indicated

(May) 223 A

—S. 9 (2) — Citizenship Rules (1956), R. 30 — Decision of question whether person has acquired foreign citizenship is judicial — Presumption arising out of voluntarily obtaining foreign passport — Person affected must be given reasonable opportunity to rebut presumption—Ordinarily person must be given personal hearing — Official deciding case must not act upon notes prepared by other officials of the department — Constitution of India, Art. 226 — Natural justice

(May) 223 C

Citizenship Rules (1956), R. 30 — Nature and validity of order under — See Constitution of India, Art. 77 (1)

(Apr) 165 A

—R. 30 — Decision under by Central Government as to citizenship — Government can be said to have taken decision by date necessary steps are taken to communicate it to person concerned and when order has gone out of precincts of the office

(Apr) 165 B

—R. 30 — Framing of charge under S. 14 prior to communication of order under R. 30 to accused — Proceedings are not vitiated — See Foreigners Act (1946), S. 14

(Apr) 165 C

—R. 30 — Scope of — Suit for injunction restraining Government from deporting plaintiff alleging himself to be citizen of India is not barred by S. 9 (2) of Citizenship Act (1955) — What is barred is decision by Court of question whether plaintiff has acquired foreign citizenship — See Citizenship Act (1955), S. 9 (2)

(May) 223 A

—R. 30, Sch. III, Cl. (3) — Person leaving India and staying in Pakistan for five

Citizenship Rules (contd.)

years and coming to India on Pakistani passport — Allegation by him that he had gone to Pakistan temporarily and that he was compelled to obtain Pakistan passport in order to be by the side of his father in India who was very seriously ill and practically on death-bed — Held that acquisition of passport was voluntary — An act to be involuntary must be the result of legal obligation — Desire to be present at a particular place does not create legal obligation — Word "voluntarily" means that the person obtaining the passport acted of his own volition and knew the nature of his act, and did not act in performance of a legal duty, nor due to coercion, or fraud, or misrepresentation, or mistake.

(May) 223 B

—R. 30 — Decision of question whether person has acquired citizenship is judicial — Authority hearing case must apply its own mind and not rely upon any other officials' opinion or notes or comments — See Citizenship Act (1955), S. 9 (2)

(May) 223C

—Sch. III, Cl. (3) — Acquisitions of citizenship of foreign country — Presumption under — Person obtaining Pakistani passport with the object of coming to India to see his ailing father — Presumption is that he had voluntarily acquired citizenship of Pakistan — See Citizenship Rules (1956), R. 30

(May) 223B

Civil Procedure Code (5 of 1908), Preamble — Interpretation of Statutes — Statement of objects and reasons and Parliamentary debates can be looked into for ascertaining the intention of legislature, the mischief which the statute was enacted to suppress and the prevailing conditions when it was enacted

(Jan) 43A

—Pre. — Interpretation of Statutes — Meaning of words — Words take their colour and contents from their context which include other enacting provision, the preamble, the existing law and the mischief which the Act was designed to remove — See Tenancy Laws — U. P. Government Estates Thekedari Abolition Act (1958) (1 of 1959) S. 3

(Jan) 43B

—Pre. — Interpretation of Statutes — Proviso — Positive independent provision

(Jan) 43C

—Pre. — Interpretation of Statutes — Meaning of words — Same words used in two different provisions in same Act — Words must be given same meaning in both provisions

(Feb) 56B

—Pre. — Interpretation of Statutes — Constitutional law — Marginal note in Constitution is part of Constitution and

Civil P. C. (contd.)

furnishes clue to meaning and purpose of Article

(Feb) 56C

—Pre. — Interpretation of Statutes — Constitutional law — Rule of construction

(Feb) 56D

—Pre. — Interpretation of Statutes — Directory or Mandatory provision — Test to decide — See U. P. Motor Vehicles Rules (1940), R. 72

(Mar) 119A

—Pre. — Interpretation of Statutes — Statute dealing with a subject is exhaustive on the subject — No relief not contemplated thereby can be given

(Mar) 142C

—Preamble — Interpretation of Statutes — Meaning of words — Variation in language and absurdity — See Municipalities — U. P. Municipalities Act (2 of 1916), S. 160

(Apr) 177A

—Pre. — Interpretation of Statutes — Directory and Mandatory provisions — See Houses & Rents — U. P. Industrial Housing Act (U. P. Act No. 23 of 1955), S. 21 (1)

(Jun) 278B (FB)

—Pre. — Interpretation of Statutes — Language of statute itself not clear — Legislative intent to be gathered from its provisions read as a whole together with the purpose of the enactment bearing in mind the malady which it was designed to cure

(Jul) 342B (FB)

—Preamble — Interpretation of Statutes — Mandatory and directory provisions — Construction of — (Interpretation of Statutes — Mandatory and directory provisions)

(Aug) 390B

—Pre. — Interpretation of Statutes — Interpretation of constitution — Literal construction not always helpful — Principle underlying must be understood — See Constitution of India, Preamble

(Aug) 414B (FB)

—Pre. — Interpretation of Statutes — Special and General provisions — See Civil P. C. (1908), S. 48

(Sep) 441A (FB)

—Pre. — Interpretation of Statutes — Statute ousting civil Court's jurisdiction — See Civil P. C. (1908), S. 9

(Nov) 526C (FB)

—Preamble — Interpretation of Statutes — Validating Act is not invalid because it validates actions already declared invalid — See Constitution of India Art. 233A

(Dec) 594C (FB)

—Preamble — Judicial precedents — Principles as to — Decision without reason can hardly be a precedent — Decision of Division Bench of High Court of Allahabad (old) prior to 1948 — Entitled to great respect and value

(Apr) 162A

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—Pre. — Judicial Precedents — Construction put upon a provision of Act by judicial decisions — Not affected by subsequent amendment of other unconnected provision of the Act — See Limitation Act (1908), Art. 181

(Nov) 518 (FB)

—Pre. — Precedents — Judgment affirmed in appeal — Determination of ratio decidendi (Jul) 342H (FB)

—Ss. 2 (2), 47, Order 23, Rule 3 — Conditional decree — Compromise decree — Construction — Principle governing construction of contract applicable — Compromise instalment decree — Obligation on decree-holder to get certain pending appeal dismissed within definite period — Default — Suit must be deemed to have been dismissed — Decree held unexecutable — Applicability — (Contract Act (1872), Sec. 10) — AIR 1931 Nag 54, Dissent from (Jun) 296 (FB)

—Ss. 2 (2) & 2 (14) — Decision or Decree is different from finding — Finding by Munsiff under S. 332 of U. P. Act 1 1951 is not decision — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act (1 of 1951), S. 332

(Aug) 407

—S. 9 — Court deciding status of caste in Hindu society — Nature of its jurisdiction (Feb) 68B

—S. 9 — Eviction of allottee — Right to file Civil Suit is not taken away by S. 21 of U. P. Industrial Housing Act 1955 — See Houses & Rents — U. P. Industrial Housing Act (U. P. Act No. 23 of 1955), S. 4 (Jun) 278C (FB)

—Ss. 9, 20 and Pre. — U. P. Zamindari Abolition and Land Reforms Act 1950 (1 of 1951), Ss. 331 and 209 — Bar of jurisdiction of Civil Court — Tests indicated — Suit for demolition and possession in respect of agricultural land, against trespasser — Civil Court has jurisdiction — Effect of asking discretionary relief — 1965 All LJ 1137, Overruled

(Nov) 526C (FB)

—S. 10 and O. 6, R. 17 — Suit stayed under S. 10 — Amendment of plaint adding a defendant in suit can be allowed

(Oct) 479

—S. 11 — Principle of res judicata — Applicability to proceedings before consolidation authorities under U. P. Consolidation of Holdings Act (5 of 1954)

(Jul) 342E (FB)

—S. 11 — S. 12 (7), U. P. Consolidation of Holdings Act cannot be used to cut down application of doctrine of res judicata — See Tenancy Laws — U. P. Consolidation of Holdings Act (5 of 1954), S. 12 (7) (July) 342F (FB)

—S. 11 — Finding by Munsiff under S. 332 of U. P. Act, 1 of 1951 is not final decision — Does not operate as res judicata — See Tenancy Laws — U. P. Zamindari

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Abolition and Land Reforms Act (1 of 1951), S. 332 (Aug) 407

—S. 11 — Prior writ petition under Art. 226 for quashing the disciplinary proceeding against petitioner, on the ground of absence of reasonable opportunity to meet the allegations dismissed — Subsequent suit for declaration of dismissal as ultra vires and illegal — Only that issue will be res judicata which was raised and decided after contest by High Court in writ petition

(Oct) 466A

—S. 11 — Applicability — Section only applies to suits and appeals arising out of them (Oct) 504A (FB)

—S. 11 — 'Heard and finally decided' — Expression shows that it is decision and not decree that creates bar of res judicata — Res judicata is estoppel by judgment or record and not by decree — AIR 1965 All 280 & AIR 1941 All 277 & (1910) 7 All LJ 861 (FB) & (1910) 7 All LJ 995, Overruled

(Oct) 504B (FB)

—S. 11 — Cross suits — Consolidation and disposal by one judgment — Two decrees prepared—No appeal filed against decree dismissing one suit — Appeal against decree in the other suit held not barred by res judicata. (1910) 7 All LJ 861 (FB) and (1910) 7 All LJ 995 and AIR 1941 All 277, Overruled; AIR 1923 Cal 496 & AIR 1956 Orissa 68 Diss. from; AIR 1946 Oudh 33 (FB) held no longer good law in view of AIR 1966 SC 1332 (Oct) 504C (FB)

—S. 11 — Execution application filed in time wrongly returned — Wrong order not challenged — Fresh application is not barred — See Limitation Act (1908), S. 14 (Nov) 551B

—S. 20 — Cause of action — What is — See Civil P. C. (1908), S. 9

(Nov) 526C (FB)

—S. 20 (c) — Allahabad High Court has no jurisdiction to entertain petition for quashing orders where no part of cause of action arose within its territorial jurisdiction — Place of communication of order according to law or of consequence arising from order — If furnishes cause of action — See Constitution of India, Art. 226 (1A)

(Mar) 105A

—S. 38, O. 21, R. 10 — Application for execution of decree passed by Additional Civil Judge — Presentation of, in Court of Civil Judge is proper. AIR 1952 Pat 4, Dissented from (Nov) 551A

—S. 47 — Conditional decree — Compromise decree — Construction — See Civil P. C. (1908), S. 2 (2)

(June) 296 (FB)

—S. 47 — Execution filed beyond twelve years — Absence of acknowledgment by

Civil P. C. (contd.)

judgment-debtor — S. 20, Limitation Act (1908) cannot extend period — See Limitation Act (1908), S. 20

(Sep) 441B (FB)

—S. 48 — Section does prescribe a period of limitation — Section is a special law contained within General Law— Limitation Act (1908), Ss. 29 (2), 20, Art. 182 — Applicability of S. 29 (2) — Period of limitation in S. 48 C. P. C. cannot be extended under S. 20, Limitation Act

(Sep) 441A (FB)

—S. 48 — Special period in S. 48 cannot be extended under S. 20 Limitation Act (1908) — See Limitation Act (1908), S. 20

(Sep) 441B (FB)

—S. 80 — Suit for declaration of title and possession decreed — State Government impleaded as pro forma defendant being tenant of property, not putting in appearance — Want of notice under S. 80 — Plea as to — Cannot be raised by private individual to assail the decree — State Government by non-appearance must be deemed to have waived the pleas

(Apr) 161

—S. 92, O. 8, R. 2 — Principles of Clauses (1) and (2) of Section 92 apply to defence also — Suit not under Section 92 — Special defence — Plea requiring Court to enter into questions covered by provisions of Section 92 — Cannot be entertained

(Dec) 571E

—S. 96 — Finding by Munsiff under Section 332 of U. P. Act 1 of 1951 — Not applicable — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act (1 of 1951), S. 332

(Aug) 407

—S. 100 — Erroneous finding as to sufficiency of cause for delay in filing appeal after accepting facts alleged — Error of law — Interference in second appeal is permissible — See Limitation Act (1963), S. 5

(May) 210

—S. 100 — Question whether factory is reasonable or one covered by Para 26 of Employees' Provident Fund Scheme is question of fact — See Constitution of India, Article 226

(Sep) 432A

—Ss. 100, 101 — Question of fact, when not binding in second appeal — Reasonable opportunity, whether afforded to delinquent servant — Decision of lower Court, based on misreading of documents and erroneous view of scope of Article 311 — Decision not binding in second appeal

(Nov) 542A

—S. 115 — Reference to Civil Court under Section 146 (1), Criminal P. C. — Civil Court refusing to summon deponent of affidavit filed before Magistrate for being cross-examined — It is "case decided" in Civil Court subordinate to High Court — Decision directly affects

Civil P. C. (contd.)

Court's jurisdiction and is revisable

(Feb) 82B

—S. 115 — Illegality or material irregularity in exercise of jurisdiction — Case is covered by Clauses (b) and (c) of section — See Civil P. C. (1908), Order 21, Rule 58, Proviso

(Mar) 139

—S. 115 — Powers of Court — Question as to age of minor plaintiff — Defendant not raising any objection in Court below to admissibility of certified copy of application filed by minor's mother under Guardians and Wards Act and to certificate of guardianship — He cannot question admissibility of such documents in revision

(Apr) 162C

—S. 115 — "Sufficient cause" — Erroneous finding as to sufficiency of cause after accepting facts alleged — Error of law — Interference in revision is permissible — See Limitation Act (1963), Section 5

(May) 210

—Ss. 121 and 128 — "Body of the Code" in Section 128 — Expression refers to only sections of the Code and not to first Schedule and the Rules framed thereunder

(Mar) 142B

—S. 122 and O. 39, R. 2A and O. 43, R. 1 (r) (as amended by Allahabad High Court) — Rules as amended are valid — High Court competent to make such rules under Section 122 — Power not confined strictly to rules of procedure

(Aug) 400

—S. 127 — Remand — Reference to Section 351 in Section 13 of Court-fees Act — Must be construed as a reference to Order 41, Rule 23, C. P. C. 1908 — See Court-fees and Suits Valuations — Court-fees Act (1870), Section 13

(Mar) 142A

—S. 128 — Remand — Reference to Section 351 in Section 13 of Court-fees Act must be construed as reference to Order 41, Rule 23, C. P. C. (1908) — See Court-fees and Suits Valuations — Court-fees Act (1870), Section 13

(Mar) 142A

—S. 128 — "Body of Code" — Refers to only sections of the Code and not to First Schedule — See Civil P. C. (1908), Section 121

(Mar) 142B

—S. 158 — Remand — Reference to Section 351 in Section 13, Court-fees Act — Must be construed as a reference to Order 41, Rule 23, C. P. C. (1908) — See Court-fees and Suits Valuations — Court-fees Act (1870), Section 13

(Mar) 142A

—O. 1, R. 10 — Rule-making authority has power to frame rules prescribing the period for limitation for filing appeal and also the manner including array of parties — See U. P. Motor Vehicles Rules (1940), R. 72

(Mar) 119A

—O. 1, R. 10 — Party — Suit brought in the name of society through its secretary who was named — Suit as laid is

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- valid — See Societies Registration Act (1960), S. 6 (May) 248G
- O. 3, R. 4 — Estoppel against statute — Admission of erroneous opinion on question of law by party's counsel in lower Court — Not binding on that party while seeking relief in appeal — See Evidence Act (1872), S. 115 (Jan) 14C
- O. 6, R. 2 — Plea of want of notice under Section 80 is not open to private individual — State Government pro forma defendant, not putting in appearance — Any objection with regard to notice under Section 80 must be deemed to have been waived — See Civil P. C. (1908), Section 80 (Apr) 161
- O. 6, R. 17 — Amending of plaint by adding defendant can be allowed when suit is stayed under Section 10, Civil P. C. — See Civil P. C. (1908), Section 10 (Oct) 479
- O. 8, R. 2 — Special defence — Suit on basis of contract — Defendant may admit contract and contractual liability and to avoid effect of admission raise plea of frustration or performance (Dec) 571D
- O. 8, R. 2 — Special defence — Suit not under Section 92 — Plea requiring Court to enter into questions covered by Section 92 — Cannot be entertained — See Civil Procedure Code (5 of 1908), Section 92 (Dec) 571E
- O. 15, Rr. 1, 4 — No evidence need be led by any party on a point which is not in issue (May) 248B
- O. 15, R. 4 — No evidence need be led by any party on point not in issue — See Civil P. C. (1908), O. 15, Rule 1 (May) 248B
- O. 19 — Evidence in Section 146 (1-A), Cr. P. C. includes affidavit — See Criminal P. C. (1898), Section 146 (Feb) 82A
- O. 21, R. 10 — Decree passed by Additional Civil Judge — Presentation of application for execution in Court of Civil Judge is proper. AIR 1952 Pat 4, Dissented from. — See Civil P. C. (1908), Section 38 (Nov) 551A
- O. 21, R. 11 (2) (j) — Orders enumerated in sub-clause 'J' — Sec. 48 precludes from making such orders — See Limitation Act (1908), Section 20 (Sep) 441B (FB)
- O. 21, R. 58, Priviso and S. 115 — "Objection designedly or unnecessarily delayed" — There must be evidence on record to that effect — Dismissal of objection without evidence — Illegality and material irregularity in exercise of jurisdiction — Case covered by sub-sections (b) and (c) of Section 115 (Mar) 139
- O. 21, R. 89 — Date of allowing application is date from which limita-

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- tion commences. — AIR 1936 Mad 782 and AIR 1954 Mad 185 and AIR 1957 Orissa 224, Dissented from. — See Limitation Act (1908), Article 99 (Aug) 409B
- O. 21, R. 90 (as amended by All. High Court) — Word "entertained" in proviso to Order 21, Rule 90 — Meaning — See Sales Tax — U. P. Sales Tax Act (15 of 1948), Section 9 (1) (Apr) 200A (FB)
- O. 21, Rr. 97, 99 — Obstruction to delivery of possession — Application by decree-holder for delivery of possession with aid of police — Application is under Rule 97 (1) — Court has to follow procedure laid down in Rule 97 (2) and objections filed to application by objector in his own right are to be heard (Sep) 440
- O. 21, R. 99 — Requirements of — See Civil P. C. (1908), O. 21, R. 97 (Sep) 440
- O. 23, R. 3 — Compromise decree — Construction of — Principles governing construction of contract applicable — See Civil P. C. (1908), Section 2 (2) (Jan) 296 (FB)
- O. 29, R. 1 — Suit in the name of society through secretary who was named — Suit as laid is valid — See Societies Registration Act (1960), Section 6 (May) 248G
- O. 30, R. 1 — Death of partner before suit — A was registered partnership firm of which B and C were two partners — A entered into contract with D in 1950 for supply of hemp rope cuttings — In 1951 B died — After B's death, his son was taken as partner in the firm — In 1954 A filed suit for damages for breach of contract through C — Held, that suit as framed by A was not maintainable, since son of B was not partner when contract was entered into and since on death of B, the firm stood dissolved — (Partnership Act (1932), Section 42) (Mar) 129
- O. 30, R. 10 — 'Person' — Expression covers a limited Company even though such Company is carrying on the business in name or style other than its own (Jan) 1 (FB)
- O. 39, R. 2-A (as amended by Allahabad High Court) — Amended rule is within competence of High Court — See Civil P. C. (1908), Section 122 (Aug) 400
- O. 41, R. 20 — Appeal under Sec. 64, M. V. Act — Limitation — Rule making authority has power to frame rules prescribing period within which to file appeal and its manner — See U. P. Motor Vehicles Rules (1940), R. 72 (Mar) 119A
- O. 41, R. 22 — Registrar cannot admit appeal in view of Rule 9, Chap. 11.

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Allahabad High Court Rules — Order for admission is done by the Court — Limitation for filing cross-objection runs from the date of admission by the Court — See High Court Rules and Orders — Allahabad High Court Rules, Chapter XI, R. 9 (May) 248A

—O. 41, R. 23 (as amended in U. P.) — Remand in appeal — Refund of Court fees — Reference to Section 351 in Section 13, Court-fees Act — Must be construed as reference to Order 41, R. 23 — See Court-fees and Suits Valuations — Court-fees Act (1870), Section 13 (Mar) 142A (FB)

—O. XLIII, R. 1 (r) (as amended by Allahabad High Court) — Amended rule is within competence of High Court — See Civil P. C. (1908), Sec. 122 (Aug) 400

Civil Services (Classification, Control and Appeal) Rules (1930)

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CIVIL SERVICES

—All India Services Act (61 of 1951), S. 3 — Indian Forest Service (Recruitment) Rules (1966), Rule 4 — Indian Forest Service (Initial Recruitment) Regulation (1966), Regns. 3, 5, 4 — Creation of Indian Forest Service — Constitution of Selection Board — Preparation of List of suitable officers for appointment to service — Adjudging suitability of candidates — Rule 4 does not require any regulation to be framed with this regard — Suitability can be determined by assessment of candidate's merit by selecting authority (Aug) 370A

—S. 3 — Indian Forest Service (Cadre) Rules (1966), Rule 4 (1) — Indian Forest Service (Initial Recruitment) Regulations (1966), Reg. 5 — Creation of Indian Forest Service — Non-inclusion of persons in approved list — Recording of reasons is not necessary (Aug) 370B

—S. 3 — No rule in Indian Forest Service (Recruitment) Rules (1966) is beyond scope of Section 3 — See Constitution of India, Article 16 (Aug) 370C

—S. 3 (as amended in 1966) — Section does not require Regulations but only the Rules to be placed before the Lok Sabha or Rajya Sabha (Aug) 370D

—S. 3 (as amended in 1966) — Indian Forest Service (Cadre) Rules (1966), R. 1 — Indian Forest Service (Recruitment) Rules (1966), Rule 1 — Indian Forest Service (Initial Recruitment) Regulations (1966), Reg. 1 — Rules and regulations are not beyond scope of Section 3 — Consultation with Public Service Commission even if unnecessary is not illegal — (Constitution of India, Article 320 (3)) (Aug) 370E

—S. 3 (as amended in 1966) — Indian Forest Service (Initial Recruitment) Regulations (1966), Reg. 3 — Constitution

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of Selection Board — Variation in personnel of Boards from State to State — Inspector General of Forests being member of Board of every State — Adoption of standard to judge suitability of candidates cannot be said to be not uniform (Aug) 370F

—S. 3 (as amended in 1966) — Indian Forest Service (Initial Recruitment) Regulations (1966), Regn. 5 (2) (b) — Words "adjudged suitable for inclusion" in Regn. — Word "adjudged" does not indicate that any judicial process was involved — The expression in rule means "found worthy of selection" — Sending of papers relating to candidates, to members of Board in advance is normal practice — In petition under Article 226 of Constitution, petitioner must prove that this normal practice was not followed (Aug) 370G

—S. 3 — Person officiating in higher post not allowed to continue — No reduction in rank — Constitution of India, Article 309 (Aug) 370H

—Civil Services (Classification, Control and Appeal) Rules (1930), R. 55 — Holding of oral enquiry is not mandatory — Authorities giving ample opportunity to conduct oral enquiry — Delinquent servant not willing to participate — Proceeding not void for want of oral enquiry (Nov) 542B

—R. 55 — Failure to supply copy of investigating officer's report — Technical breach — No violation of procedure under Rule 55 — See Constitution of India, Article 311 (2) (Nov) 542C

—Forest Service (Cadre) Rules (1966), R. 1 — Rule is not beyond scope of Section 3 of All India Services Act (1951) — See Civil Services — All India Services Act (1951), Section 3 (as amended in 1966) (Aug) 370E

—R. 4 (1) — Method of recruitment — Procedure — See Civil Services — All India Services Act (1951), Section 3 (Aug) 370B

—R. 4 (1) — Person officiating as Conservator of Forest — Not eligible to hold post — Can be sent back to substantive post — Constitution of India, Art. 309 (Aug) 370H

—Forest Service (Initial Recruitment) Regn. (1966), Reg. 3 — Inspector General of Forests, and Chief Conservator of Forest in State are proper persons to sit on selection board — See Civil Services — All India Services Act (1951), S. 3 (Aug) 370A

—Reg. 3 — Member of special selection board himself candidate for one post — His withdrawal from Board when his case was under consideration — Procedure in consonance with natural justice

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— See Constitution of India, Art. 16

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—Reg. 3 — Special selection Board — Variation of personnel from State to State — Adoption of standards for selection cannot be said to be not uniform — See Civil Services — All India Services Act (1951), S. 3 (as amended in 1966)

(Aug) 370F

—Reg. 4 — Conditions specified must be fulfilled for appointment to posts in junior and senior scales of service — See Civil Services — All India Services Act (1951), Section 3

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—Reg. 4 (1) — Rules not permitting continuance of officiation — Person officiating can be sent to substantive post — Constitution of India, Art. 309

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—Reg. 5 — Reasons for non-inclusion need not be recorded — See Civil Services — All India Services Act (1951), Section 3

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—Reg. 5 — Creation of Indian Forest Service — Non-inclusion of persons in approved list — Recording of reasons is not necessary — See Civil Services — All India Services Act (1951), S. 3

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—R. 4 — Rule 4 does not require any regulation to be framed for selection of candidates — See Civil Services — All India Services Act (1951), Section 3

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—R. 4 — There can be no regulation for adjudging suitability of candidates — See Constitution of India, Art. 16

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—**Fundamental Rules, R. 22** — Rule not applicable to Executive Officers of Municipal Boards in U. P. — See Constitution of India, Art. 309

(Oct) 480A

—R. 22 — Not applicable to Municipal Executive Officers in U. P. — See Constitution of India, Art. 226

(Oct) 480B

—R. 22 — Rule speaks about salary which Government servant last drew and not the one which ought to have been drawn

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—**U. P. Higher Judicial Service Rules, 1953, R. 5** — Rules are severable — Only rules relating to appointment are invalid due to non-compliance with Article 233 (1) — Rest of the Rules are valid — See Constitution of India, Article 309, Proviso

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—R. 7 — Rules are severable — Only rules relating to appointment are invalid due to non-compliance with Article 233 (1) — Rest of the Rules are valid — See Constitution of India, Article 309, Proviso

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—R. 8 — Rules are severable — Only rules relating to appointment alone are invalid due to non-compliance with Article 233 (1) — Rest of the rules are valid — See Constitution of India, Article 309, Proviso

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—R. 19 — Judicial Magistrate, a pleader for not less than 7 years before his appointment to Higher Judicial Service — He is not already in service of State and is eligible for appointment as District Judge — See Constitution of India, Article 233 (2)

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—**Companies Act (1 of 1956), S. 147** — Limited Company falls within the expression 'person' as used in Order 30, R. 10, C. P. C. — See Civil P. C. (1908), Order 30, Rule 10

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—**Constitution of India, Pre.** — Interpretation of Constitution — Literal construction is not always helpful — Principle underlying the provision must be understood

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—Art. 1 (1) and 1 (2) — Sales from dealer in U. P. to dealers in J. and K. State — Would be inter-State sales liable to tax under Central Sales Tax Act — See Sales Tax — Central Sales Tax Act (1956), Section 3

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—Art. 14 — U. P. Act 1 of 1959 is completely protected by Article 31-A from being affected by Articles 14, 19 or 31 — See Tenancy Laws — U. P. Thekedari Abolition Act (1958) (1 of 1959)

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—Art. 14 — Scope — Even a person acquiring rights under statute can claim benefit of Article 14 to protect his interest under the statute — Question of waiver of fundamental right does not arise — Constitutional right to equality extends also to procedural matters

(Jun) 278D (FB)

—Art. 14 — U. P. Industrial Housing Act (U. P. Act No. 23 of 1955), Sections 21, 4, 7 — Constitutional validity — Existence of alternative methods for eviction; one by civil suit and other by summary action under Section 21 — Discretion to use any method unregulated — Section 21 contravenes Article 14 and is void

(Jun) 278E (FB)

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—Art. 14 — A duty to decide upon one of the grounds of eviction so elaborately and specifically set out in Sec. 21 (1) of U. P. Industrial Housing Act 1955 — Requires quasi judicial procedure — Provisions of the sections are hit by Article 14 — See Houses and Rents — U. P. Industrial Housing Act (1955), Sec. 21 (1) (Jun) 278G (FB)

—Art. 14 — Alternative methods of recovery of Government dues — Do not entail serious consequence of eviction and would not invalidate either Sec. 19 or Section 20 of the U. P. Act 23 of 1955 — See Houses and Rents — U. P. Industrial Housing Act (1955), Section 19 (Jun) 278H (FB)

—Art. 14 — Power of Housing Commissioner to determine and fix rent and other charges — Not unconstitutional or void for any reason — See Houses and Rents — U. P. Industrial Housing Act (1955), Section 15 (Jun) 278I (FB)

—Art. 14 — Procedural statute challenged on ground that it is discriminatory — Considerations (Jun) 278K (FB)

—Art. 14 — U. P. Vritti, Vyapar, Ajivika Aur Sevayojan Kar Adhiniyam (21 of 1965), Preamble, Section 3 — Act is not discriminatory and not hit by Article 14 (Jun) 317C (FB)

—Art. 14 — Income-tax Act (1922), Sections 34 (1-A) and 34 (1) (a) — Section 34 (1-A) is not violative of Article 14 — It makes no difference whether action is taken under Section 34 (1) (a) or under Section 34 (1-A) (Aug) 375C

—Art. 14 — (U. P.) Public Moneys (Recovery of Dues) Act (25 of 1965), Section 3 (1) (c) — Clause (c) is not discriminatory (Sep) 419A

—Art. 14 — (U. P.) Public Moneys (Recovery of Dues) Act (25 of 1965), Section 3 (1) (a) and (b) — Clauses (a) and (b) are valid (Sep) 419B

—Art. 14 — Income-tax (Removal of Difficulties) Order (No. 2 of 1963) is not discriminatory in nature — See Income Tax Act (1963), Section 298 (Dec) 566B

—Arts. 16, 226 — Natural justice — In case of necessity principles do not apply — Statute or rules making a person a judge of his own cause — His decision or selection is not vitiated — All India Services Act (1951), Section 3 — Indian Forest Service (Recruitment) Rules (1966), Rule 4 — Indian Forest Service (Initial Recruitment) Regulations (1966), Regs. 3, 5 — Creation of Indian Forest Service — Inspector General of Forests and Chief Conservator of Forest (U. P.) being themselves candidates for entry into the service participating in

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proceedings of Selection Board — At the time of consideration of their selection, each withdrawing from Board — Held, they had not been judges of their own cause and there had been no discrimination in recruitment to service within Article 16 (Aug) 370C

—Art. 19 — U. P. Act 1 of 1959 is completely protected by Article 31-A from being affected by Articles 14, 19 or 31 — See Tenancy Laws — U. P. Thekedari Abolition Act (1958) (1 of 1959) (Jan) 43E

—Arts. 19, 31, 358 — U. P. Vritti, Vyapar, Ajivika Aur Sevayojan Kar Adhiniyam (21 of 1965), Preamble — Adhiniyam passed after enforcement of emergency — Absence of provision for making reference to High Court on question of law — No appeal provided against order of assessment in respect of escaped income — Act cannot be said to be hit by Article 19 (1) (f) and (g), as also by Article 31, as these articles have no application to the case (Jun) 317E (FB)

—Art. 19 (1) (f) — A month to month tenancy right in State-built houses obtained by industrial worker, after grant of application for it — Is not so unsubstantial, as to be beyond the constitutional concept of 'property' — A right to property guaranteed by Art. 19 (1) (f) can be reasonably restricted but cannot be taken away altogether by law — See Houses and Rents — U. P. Industrial Housing Act (1955), Section 21 (1) (Jun) 278G (FB)

—Art. 19 (1) (f) and (g) — Objectionable article in journal — No possibility of separating it or obliterating it out of rest — Forfeiture of entire journal — No right to enjoy property is involved — See Defence of India Act (1962), Section 44 (Nov) 548B

—Art. 25 — Section 295-A, Penal Code, (1860) does not violate Articles 25 and 26 of the Constitution — Rights under those Articles are subject to public order, morality and health — See Penal Code (1860), Section 295-A (Sep) 436C

—Art. 26 — Section 295-A, Penal Code (1860), does not violate Articles 25 and 26 of the Constitution — Rights under those Articles are subject to public order, morality and health — See Penal Code (1860), Section 295-A (Sep) 436C

—Art. 31 — U. P. Government Estates Thekedari Abolition Act, 1958 applies not only to Thekedars but also to cultivating lessees on Government Estates — Notification abolishing Estates without applying Reforms Act is an act of bad faith — Notification must be quashed — See Tenancy Laws — U. P. Government

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- Estates Thekedari Abolition Act (1958), (1 of 1959), Section 3 (Jan) 43B
- Art. 31 — U. P. Thekedari Abolition Act 1958 is completely protected by Article 31-A from being affected by Articles 14, 19 or 31 — See Tenancy Laws — U. P. Thekedari Abolition Act (1958) (1 of 1959) (Jan) 43E
- Art. 31 — Word 'benefit' in Article 276 (1) is not used in the sense of public purpose as used in this Article — See Constitution of India, Article 276 (1) (Jun) 317B (FB)
- Art. 31 — Act passed after enforcement of Emergency — Absence of making reference to High Court on question of law — Act not hit by the Article — See Constitution of India, Article 19 (Jun) 317E (FB)
- Art. 31-A, Proviso 2 — Abolition of leases on Government Estates by U. P. Act 1 of 1959 — Provisions are void under Article 31-A, Second Proviso, inasmuch as Act does not seek to provide compensation at market rate — See Tenancy Laws — U. P. Thekedari Abolition Act 1958 (1 of 1959), S. 3 (Jan) 43D
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- Art. 77, (1) — Citizenship Act (1955), Section 9 (2) — Citizenship Rules (1956), Rule 30 — Order under Section 9 (2) and Rule 30 — Nature and validity of — Executive order within meaning of Article 77 (1) is valid though passed in name of Central Government and not President (Apr) 165A
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- Art. 141 — Supreme Court holding Section 298 of Income-tax Act, 1961, as valid in AIR 1968 SC 162 — Question of excessive delegation of powers not argued in that case — Courts are even then bound to proceed on basis that Section 298 is valid (Dec) 566A
- Art. 141 — Article 141 does not take away Parliament's power to amend Constitution — See Constitution of India, Article 233-A (Dec) 594C (FB)
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- Art. 183 (a) — Scope — Representation of the People Act (1951), Sections 74, 67-A, 157 — Notification under Sec. 74 — Effect of — Object of Section 67-A — Commencement of term — Deputy Chairman of legislative Council ceasing to be member by virtue of his election in 1962 and again becoming member by virtue of his election in 1968 — Notionally there was a break in the eye of law (Feb) 56A
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tion of Disqualifications) Act (U. P. Act 19 of 1951), Section 3 — State Legislature Members (Prevention of Disqualifications) (Second) Act (U. P. Act 13 of 1952), Section 3 (2) — Panel lawyer of Gaon Sabhas at Tahsil Head-quarters — He holds an office of profit under Government within meaning of Article 191 — Not exempted under U. P. Act 19 of 1951 and U. P. Act 13 of 1952

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—Article 226 — Motor Vehicles Act (1939), Section 48 — Rejection of two applications for permits by R. T. A. — Unsuccessful applicants filing two appeals therefrom — Tribunal remanding both appeals by common order — Joint writ petition by aggrieved applicants against order in appeal is maintainable, W. P. No 1827 of 1963, D/- 3-3-1966 (All), Reversed

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—Article 226 — Use of discretionary power by executive — Could be validly exercised within the language of the law, as circumscribed by its purpose and policy — See Tenancy Laws — U. P. Government Estates Thekedari Abolition Act (1958) (1 of 1959), Section 3

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—Article 226 — Natural Justice — Enquiry under Rule 13 of Notaries Rules 1956 — Opportunity of being heard should be given — See Notaries Act (1952), S. 10

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—Article 226 — Mala fide — Notaries Act (1952), Sections 10, 5 — Earlier notification quashed by judgment of High Court in special appeal — Delay in issue of certificate to practice as a Notary signed much earlier — No inference that Government acted mala fide deliberately with view to deprive a Notary Public of his right to practise as a Notary

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—Article 226 — Motor Vehicles Act (1939), Sections 47, 62, 68-G — Rival operator challenging by writ petition temporary permit granted to another operator — He is entitled to maintain petition — Civil Misc. Writ No. 1870 of 1961, D/- 5-10-1962 (All) and Civil Writ Misc. No. 70 of 1967, D/- 10-3-1967 (All), Overruled

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—Art. 226 — Natural justice — Administrative quasi-judicial action — Duty to prosecute and to decide must be performed by different officers — Housing Commissioner under Section 21 (1), Uttar Pradesh Industrial Housing Act, acts quasi-judicially — Section 21 (1) violates principles of natural justice, inasmuch as

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—Art. 226 — A fundamental right to procedural protection exists — See Houses & Rents — U. P. Industrial Housing Act (1955), S. 21 (1)

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—Art. 226 — Natural justice — Order under S. 21 (1), U. P. Industrial Housing Act (23 of 1955) — Reasonable opportunity to be heard

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—Art. 226 — Natural justice — Opportunity of being heard — See Houses & Rents — U. P. Industrial Housing Act (1955) S. 21 (1)

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—Arts. 226, 227 — U. P. Consolidation of Holdings Act (5 of 1954), Ss. 23, 52, 48, 47 (as amended in 1958 and 1963) — Scope — Confirmation of proposals under S. 23 does not deprive High Court of its power under Article 226

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—Article 226 — Natural justice — Member of Selection board — Himself candidate for one post — His withdrawal from board when his case came for consideration — No breach of principles of natural justice — See Constitution of India, Article 16

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—Art. 226 — Delay in applying — Condonation of — Grounds for — (Income-Tax Act (1922), S. 35)

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—Art. 226 — Income-tax Officer failing in duty to correct mistake in assessment under Section 35, I. T. Act (1922), High Court can issue appropriate directions — See Income Tax Act (1922), S. 35 (1)

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—Art. 226 — Other remedies open — Resolution of Mahapalika fixing rates of taxes — Challenge to its validity — Question can be agitated under statutory remedies provided under Adhiniyam — In case order of District Judge is ambiguous it is open to the tax payer to apply to him for clarification of the order — (Municipalities — U. P. Nagar Mahapalika Adhiniyam (2 of 1959), S. 476)

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—Art. 226 — New pleas involving questions of facts — Question whether petitioner's factory is a seasonal factory or whether its employees were covered by Para 26 of Employees' Provident Fund Scheme neither raised before nor decided by Regional Provident Fund Commissioner whose decision is final, being questions of fact cannot be raised for first time in writ petition challenging his order

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—Art. 226 — Jurisdiction under — When cannot be sought, stated

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—Art. 226 — Seizure of stock by police under Section 96 Criminal P. C. — Release of — Application should be made before Magistrate before whom case is

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- pending — Release from seizure cannot be asked for in writ petition (Sep) 436B
- Art. 226 — Dismissal of writ petition against order of dismissal — Subsequent suit challenging dismissal — Decision on points raised and decided in writ will act as res judicata — See Civil P. C. (1908), S. 11 (Oct) 466A
- Art. 226 — Mandamus — U. P. Municipalities Act (2 of 1916), Section 57 (3) — Officer holding officiating post of Addl. Executive Officer — State Government or Administrator Nagar Mahapalika cannot be compelled to carry out obligations contained in Rule 22 of Fundamental Rules when that rule did not apply to the officer (Oct) 480B
- Art. 226 — Subjective opinion of Government — Not justiciable — See Defence of India Rules (1962), R. 45 (e) (Nov) 548A
- Art. 226 (1A) — 'Cause of action, wholly or in part, arises' — Sugarcane Control Order (1966), Cl. 6 — Order under Clause 6 (1) (a) by Cane Commissioner, Bihar, at Patna, reducing area for sugarcane purchase reserved for petitioner's sugar factory situate in U. P. — Another order allotting excluded area for respondent's Sugar Factory in Bihar — Allahabad High Court has no jurisdiction to entertain petition for quashing these orders as no part of cause of action arose within its territorial jurisdiction — Place of communication of order according to law or of consequence arising from order — If furnishes cause of action (Mar) 105A
- Art. 227 — Power of High Court — Power is derived from paramount law of land — Section 23 (2) of U. P. Act 5 of 1954 is a law made under this paramount law — It cannot take away right of High Court under Article 226 — See Constitution of India, Article 226 (Jun) 304B (FB)
- Art. 233 — Eligibility of appointment as District Judge — Person not in judicial service is also eligible provided he has been a lawyer of seven years' standing and has been recommended by High Court — Words "has been" in the expression "if he has been for not less than seven years an advocate" — Meaning — Person need not be continuing as an advocate at the time of his appointment (May) 230A
- Art. 233 — U. P. Higher Judicial Service Rules, 1953 — Effect of decision in AIR 1966 SC 1987 — Article 233 deals with only one condition of service, namely, appointment — Only Rules relating to appointment alone are invalid due to non-compliance with Article 233 (1) — Rest of the Rules are valid — See Constitution of India, Article 309 Proviso (May) 230C

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- Art. 233 — Neither Art. 233 nor Art. 233A involves fundamental rights — See Constitution of India, Art. 233A (Dec) 594C (FB)
- Arts. 233 (2) and 236 (b) — Expression "the service" in Art. 233 (2) can only mean 'judicial service' as defined in cl. (b) of Art. 236 — Judicial Magistrate is not in "the service" within meaning of cl. (2) of Art. 233 (Dec) 594A (FB)
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- Art. 233A — U. P. Higher Judicial Service Rules 1953 — Effect of decision in AIR 1966 SC 1987 — Article 233 deals with only one condition of service, namely, appointment — Only the Rules relating to appointment alone are invalid due to non-compliance with Article 233 (1) — Rest of the rules are valid — See Constitution of India, Art. 309, Proviso (May) 230C
- Art. 233A (as inserted by 20th Amendment), Articles 142 and 144 — Validity — Amendment is invalid in so far as it validates appointment of parties to AIR 1966 SC 1987 (May) 230D
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- Art. 236 (b) — Expression "the service" in Article 233 (2) can only mean "judicial service" as defined in Art. 236 (b) — See Constitution of India Art. 233 (2) (Dec) 594A (FB)
- Art. 245 — U. P. Foodgrains (Restrictions on Hoardings) (Amendment) Order, 1967 — Held, order was beyond authority delegated by Central Government — See Essential Commodities Act (1955), S. 5 (Nov) 560D
- Art. 245 — Article 141 does not take away Parliaments power to amend Constitution — See Constitution of India Article 233A (Dec) 594C (FB)
- Art. 246 — Circumstances and Property tax comes within Sch. VII, List II, Items 49 and 60 — Provision is intra vires the State Legislature — See Municipalities — U. P. Town Areas Act (2 of 1914), S. 14 (1) (f) (Jan) 40B (FB)

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—Art. 246, Sch. 7, List 2, Entry 60 — U. P. Vritti, Vyapar, Ajivika Aur Sevayojan Kar Adhiniyam (21 of 1965), Pre., Sections 3, 4, 5, 2 (6), 2 (12) — Act does not impose tax on income but one on trades, callings, professions and employments — It is within legislative competence of U. P. Legislature (Jun) 317A (FB)

—Art. 246 — Article 141 does not take away Parliament's power to amend Constitution — See Constitution of India, Art. 233A (Dec) 594C (FB)

—Arts. 254, 270, 269, 301, Sch. 7, List 1, Entry 82; Sch. 7, List 2, Entry 60 — U. P. Vritti, Vyapar, Ajivika Aur Sevayojan Kar Adhiniyam (21 of 1965), Preamble, S. 3 — Tax is not tax on income and clearly falls under Entry 60 of List 2 — Arts. 254, 270, 269, 301 and Entry 82 of List 1 are not attracted — Act cannot be said to be conflicting with income-tax — (Income-tax Act (1963), Preamble) (Jun) 317F (FB)

—Art. 254 — S. 34 (1) (a) and S. 34 (1-A) of Income Tax Act (1922) do not betray mutual inconsistency or repugnancy — Doctrine of implied repeal not applicable — See Income-tax Act (1922), S. 34 (1) (a), S. 34 (1-A) (Aug) 375B

—Art. 265 — U. P. Act 21 of 1965 is valid — See Constitution of India, Article 276 (1) (Jun) 317B (FB)

—Art. 265 — U. P. Vritti, Vyapar, Ajivika Aur Sevayojan Kar Adhiniyam (21 of 1965), Preamble, S. 3 — Maximum amount of tax to be charged is Rs. 250 — Gross annual income is only yardstick to measure tax liability and not subject-matter of taxation — Act is not confiscatory in its nature (Jun) 317D (FB)

—Art. 269 — Tax under U. P. Act 21 of 1965, not a tax on income — Article not attracted — See Constitution of India, Art. 254 (Jun) 317F (FB)

—Art. 270 — Tax under U. P. Act 21 of 1965, not a tax on income and clearly falls under Entry 60 of List 2 — Article not attracted — See Constitution of India, Art. 254 (Jun) 317F (FB)

—Arts. 276 (1), 31, 265 — Expression "benefit of the State" in Art. 276 (1) — Word "benefit" is not used in sense of "public purpose" as used in Art. 31 — U. P. Vritti, Vyapar, Ajivika Aur Sevayojan Kar Adhiniyam (21 of 1965), Pre. — Act is valid (Jun) 317B (FB)

—Art. 286 (1) (b) — Exemption under — Sale in course of export — Sale must occasion export (Apr) 205 (FB)

—Art. 301 — Tax under U. P. Act 21 of 1965, not a tax on income — Article not attracted — See Constitution of India, Art. 254 (Jun) 317F (FB)

—Art. 302 — Essential Commodities Act (1955), S. 3 — U. P. Foodgrains (Res- 1969 (All.) Indexes 2.

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trictions on Hoarding) (Amendment) Order, 1967 — Order would be deemed to be part of enactment itself — It is entitled to protection of Article 302 of the Constitution (Nov) 560C

—Art. 309, Proviso, Arts. 233 and 233-A — U. P. Higher Judicial Service Rules 1953 — Effect of decision in AIR 1966 SC 1987 — Conditions of service mean and include various aspects like appointment, scale of pay, confirmation, seniority promotion, payment of pension, etc. — Article 233 deals with only one condition of service, namely, appointment — Rules are severable — Only the rules relating to appointment alone are invalid due to non-compliance with Article 233 (1) — Rest of the rules are valid (May) 230C

—Arts. 309, 310 — All India Services Act (1951), Section 3 — Indian Forest Service (Cadre) Rules (1966), R. 4 (1) — Indian Forest Service (Initial Recruitment) Rules (1966), Reg. 4 (1) — Rule requiring that member of State Forest Service cannot hold in substantive capacity post of Conservator of Forests or that superior to it — Person holding substantive post of Deputy Conservator of Forests occupying post of Conservator of forests in officiating capacity — Person not allowed to continue as Conservator of Forests — Held, he had not been reduced in rank (Aug) 370H

—Art. 309 — Rules under — Pleasure of President not subject to Rules — See Constitution of India, Art. 310 (1) (Sep) 422B

—Arts. 309, 310 and 311 (before amendment by 1963 Act) defines scope relating to recruitment and conditions of service — Art. 311 (2) must be read in relation to existing post — Civil servant exists so long as post is not abolished — See Constitution of India, Art. 311 (2) (before amendment by Constitution (Fifteenth Amendment) Act 1963) (Sep) 449 (FB)

—Art. 309 — Government of India Act (1935), S. 241 (1) (b) — Executive Officer of Municipal Board is not included in class of persons dealt with in S. 241 (1) (b) — Fact that State Government is approving authority is not material — Fundamental Rules made under S. 241 (1) (b) are not applicable to such officer (Oct) 480A

—Art. 309 — Copy of report of investigating officer not supplied — No prejudice caused — Plea of want of reasonable opportunity not maintainable — See Constitution of India, Article 311 (2) (Nov) 542C

—Art. 310 — Officiating incumbent not allowed to continue — No reduction in rank — See Constitution of India, Art. 309 (Aug) 370H

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— Art. 310 (1) — Termination of service — Satisfaction contemplated under Article 311 (2) not proved — Violates Article 311 (2) — See Constitution of India, Art. 311 (2) Proviso (C) (Sep) 422A

— Arts. 310 (1), 309 — Pleasure of President of India under Article 310 (1) is not subject to the rules that have been framed by virtue of Article 309

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— Art. 311 — Dismissal of public servant — Appeal — No rule that personal hearing should be given, though it is better to give such hearing (Jan) 11D

— Art. 311 — Promotion to higher post — Decision not to promote does not amount to imposing penalty — See Institutes of Technology Act (1961), S. 26

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— Art. 311 (1) — Plaintiff appointed as Sub Inspector by Inspector General of Police and later on confirmed by Inspector General of Police — Dismissal by Deputy Inspector General violates Article 311 (2) and hence void and ultra vires

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— Art. 311 (2) Proviso (a) — "Conduct leading to conviction" — Removal from service on ground of conviction on criminal charge — Conviction set aside in appeal — Government not entitled to benefit of sub-clause (a) of proviso — Claim of departmental enquiry under Art. 311 (2) is justified (Aug) 414A (FB)

— Arts. 311 (2), Proviso (c), 310 (1) — Order issued under Art. 310 (1) terminating services of employee — Order challenged on ground of it being issued

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without satisfaction contemplated under Article 311 (2) Proviso (c) — Satisfaction not proved — Order violates Art. 311 (2) (Sep) 422A

— Arts. 311 (2), (before amendment by Constitution (15th Amendment), Act 1963), 310 and 309 — Abolition of permanent post — Termination of services of person holding that post in consequence thereof — Art. 311 (2) is not attracted. AIR 1965 J. & K. 15 (FB) Dissented from — AIR 1965 All 406, Reversed (Sep) 449 (FB)

— Arts. 311 (2), 309 — Civil Services (Classification, Control and Appeal) Rules (1930), Rule 55 — Failure to supply copy of report made by investigating officer — Charge-sheet containing almost everything stated in report — No prejudice caused to defence of delinquent servant — Plea of failure to afford reasonable opportunity is not tenable (Nov) 542C

— Art. 358 — Act passed after enforcement of emergency challenge to under Art. 19 (1) (f) & (g) — See Constitution of India, Art. 19 (Jun) 317E (FB)

— Art. 368, Proviso — Inserting Article 233A in Constitution has not the effect of amending Art. 142 or Art. 144 — Proviso to Art. 368 is not attracted — See Constitution of India, Art. 233A

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— Sch. 1, Serial No. 15 — Sales from dealer in U. P. to dealers in J. & K. State — Would be inter-state sales liable to tax under Central Sales Tax Act — See Sales Tax — Central Sales Tax Act (1956), S. 3

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— Sch. 7, List I, Item 82 — Income-tax and circumstances and property tax are fundamentally distinct — Latter tax not covered by Item 82 — 1961 All LJ 743 & 1955 All LJ 630 & AIR 1957 All 433, Overruled (Jan) 40A (FB)

— Sch. 7, List 1, Entry 82 — Applicability — See Constitution of India, Art. 254 (Jun) 317F (FB)

— Sch. 7, List II, Item 49 — Circumstances and property tax — Covered by the item — See Municipalities — U. P. Town Areas Act (2 of 1914), S. 14 (1) (f)

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— Sch. 7, List II, Item 60 — Circumstances and property tax — Comes within the item — See Municipalities — U. P. Town Areas Act (2 of 1914) S. 14 (1) (f) (Jan) 40B (FB)

— Sch. 7, List 2, Entry 60 — U. P. Act 21 of 1965 does not impose any tax on income but one on trades, callings, professions and employments — It is within the competence of U. P. Legislature — See Constitution of India, Art. 246

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— Sch. 7, List 2, Entry 60 — Tax under U. P. Act 21 of 1965 falls under this entry — Not a tax on income — See Constitution of India, Art. 254 (Jun) 317F (FB)

Contempt of Courts Act (32 of 1952), Section 1 — Proceedings before Court involving question as to status of community — Public comments thereon, when amounts to contempt of Court. (Feb) 68A

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—Section 56 — Plea of frustration — Suit on basis of contract — Defendant may admit contract and to avoid effect of admission raise plea of frustration — See Civil Procedure Code (5 of 1908), O. 8. R. 2 (Dec) 571D

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—Court-fees Act (7 of 1870), Ss. 5, 6-C — Chief Justice and Taxing Judge deciding reference under Sec. 5 are not persona designata — AIR 1927 Bom 643, Diss. from (Oct) 484A

—S. 5 — U. P. General Clauses Act (1 of 1904), S. 13 (2) — Allahabad Rules of Court (1952) Ch. 5, R. 2 proviso — Word 'Judge' occurring in S. 5, Court Fees Act can be read as 'Judges' — Taxing Judge or Chief Justice can make reference under S. 5 to a larger Bench: AIR 1951 All 499 and (1911) ILR 33 All 20, Overruled; AIR 1951 Orissa 265, Diss. from (Oct) 484B

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—S. 13 — Refund of court-fees — Remand in appeal under O. 41, R. 23, Civil P. C. (as amended in U. P.) on ground that it was in the interest of justice to do so — Appellant entitled to refund of court-fee (Mar) 142A

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—S. 32 — Lawful sentence — Eminent doctor luring a woman into a path of immo-

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rality and finally renouncing her — Doctor sentenced under Ss. 376, 417 Penal Code — Court directing that the doctor should be debarred from practising for three years — Whether he should be allowed to practise or not is for Indian Medical Council to decide — Order of the Court are illegal (Oct) 489F

—S. 96 — Seizure of stock by police under S. 96 Criminal P. C. — Release of — Application should be made before Magistrate before whom case is pending — See Constitution of India, Art. 226 (Sep) 436B

—S. 103 — Taking of sample of adulterated milk by Food Inspector — Witnesses — Requirement as to — See Prevention of Food Adulteration Act (1954), S. 10 (7) (Mar) 109C

—Ss. 127 and 128 — Power to disperse assembly — Who can exercise — Refusal or failure to disperse — Effect — Action can be taken under S. 128 — Unlawful character of assembly has to be determined under S. 141, I. P. C. — Disobedience of command under S. 127 is not a relevant consideration — (Penal Code (1860), S. 141) (Mar) 130B

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—S. 145 — Reference to Civil Court under S. 146 (1) — Civil Court has jurisdiction and is legally competent to require the person whose affidavit was filed before Magistrate under S. 145 (1) to attend Court for purposes of cross-examination — See Criminal P. C. (1898), S. 146 (Feb) 82A

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—S. 145 — Finding of fact, challenge to — Normal remedy is under S. 145 (6) — When powers of revision can be invoked — See Criminal P. C. (1898), S. 439 (Aug) 405B

—Ss. 146, 145 — Reference to Civil Court under S. 146 (1) — Civil Court has jurisdiction and is legally competent to require the person whose affidavit was filed before Magistrate under S. 145 (1) to attend Court for purposes of cross-examination — But this is discretionary — 'Evidence' here includes affidavit (Feb) 82A

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—S. 146 — Reference to Civil Court — Civil Court refusing to summon deponent of affidavit before Magistrate for being cross-examined — It is 'case decided' within S. 115 C. P. C. — See Civil P. C. (1908), S. 115

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—S. 156 (1) — Investigation by officer under Prevention of Corruption Act (1947) — Officer not empowered under S. 5-A, 1947 Act — Investigation illegal — Accused not entitled to copies of statements recorded in illegal investigation — See Criminal P. C. (1898), S. 161

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—Ss. 161, 173 (4), 156 (1) — Prevention of Corruption Act (1947), S. 5A — Investigation of case by police officer other than one having requisite authority under S. 5-A — It is no investigation under S. 161 and accused is not entitled to copies of statements recorded by such police officer under S. 173 (4)

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—S. 173 — Report by police officer in a non-cognisable case — Must be treated as a police report within Ss. 251, 251A and 252 — See Criminal P. C. (1898), S. 251A

(Mar) 123B

—S. 173 — Magistrate not agreeing with final report — Ordering submission of fresh charge-sheet after re-investigation by the Magistrate — Prosecution on fresh charge sheet is illegal — See Criminal P. C. (1898), S. 190 (1) (c)

(May) 241A

—S. 173 (4) — Investigation by officer under Prevention of Corruption Act (1947) — Officer not empowered under S. 5-A Act of 1947 — Investigation illegal — Accused not entitled to copies of statements recorded in illegal investigation — See Criminal P. C. (1898), S. 161

(Oct) 503

—S. 190 — Report by police officer in a non-cognisable case is a police report — Proceedings before Magistrate on basis thereof cannot be under S. 251A — Cognisance so taken is only in nature of error in proceeding antecedent to trial — See Criminal P. C. (1898), S. 251A

(Mar) 123B

—Ss. 190 (1) (c) and 173 — Submission of final report by Police — Magistrate not agreeing with it — Ordering submission of fresh charge-sheet after re-investigation — Prosecution on fresh charge-sheet is illegal

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—Ss. 190 (1) (c), 192 — Transfer of case from one Magistrate to another — Previous Magistrate found to have committed illegality in prosecuting case — Dismissal of case on that ground by second Magistrate is valid

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—S. 192 — Transfer of case to another Magistrate — Previous Magistrate found to have committed illegality in prosecuting case — Dismissal of case on the same ground

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—S. 195 (1) (c) — Bar under — Operates even if forgery is committed subsequent to initiation of proceedings

(Apr) 189A

—S. 195 (1) (c) — Scope — Penal Code (1860), Ss. 471, 467 and 420 — Main offence under S. 471 — Other offences flowing from it — Mere tacking of other offences to S. 471 will not take case out of ambit of S. 195 (1) (c) Cr. P. C.

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—S. 198, Proviso — Penal Code (1860), S. 499 — Filing of complaint by indirectly defamed father on behalf of himself and his directly defamed daughter — Case not covered by S. 198 proviso — Complaint can be treated as filed on behalf of father alone — When so treated, competence to file complaint cannot be challenged

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—S. 202 — Examination of witness under S. 202 — Evidence not admissible in trial under S. 33 Evidence Act (1872) — See Evidence Act (1872), S. 33

(Oct) 489D

—S. 202 — Scope — Issue of warrant against accused before conclusion of enquiry under S. 202 (1) — Not proper — Procedure to be adopted where it is necessary to put up person named as accused for identification

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—S. 205 — Representation of accused, under — Statement of accused recorded in presence of counsel, admissible under S. 288 — See Criminal Procedure Code (5 of 1898), S. 288

(Nov) 521B

—S. 221 — Charge — Numerous offences alleged — There should be separate charges for each offence — Offences spreading over a period of years — Nothing in common in sequence of time or unity of purpose — One charge for all offences bad in law — See Criminal P. C. (1898), S. 234 (1)

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—S. 222 — Charge — Numerous offences alleged — There should be separate charges for each offence — Offences spreading over a period of years — Nothing in common in sequence of time or unity of purpose — One charge for all offences bad in Law — See Criminal P. C. (1898), S. 234 (1)

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—S. 222 — Charge must clearly show time, place and manner in which offence committed — See Penal Code (1860), S. 417

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—S. 223 — Charge — Numerous offences alleged — There should be separate charges for each offence — Offences spreading over a period of years — Nothing in common in sequence of time or unity of purpose — One charge for all offences bad in law — See Criminal P. C. (1898), S. 234 (1)

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—S. 223 — Charge must clearly show time, place and manner in which offence committed — See Penal Code (1860), S. 417 (Oct) 489C

—Ss. 226 and 227 — Scope — Addition of charge — Accused committed to trial for offence under S. 493 Penal Code only — Complaint alleging cheating by accused and seeking trial for that offence also — Considering evidence, Sessions Judge has power to add charge under S. 417 Penal Code also (Oct) 489B

—S. 227 — Combined effect of Ss. 227 and 226 — Power of Court to remedy defect in charge even by adding new charge — See Criminal P. C. (1898), S. 226 (Oct) 489B

—S. 232 — Material error in charge — Remand not held expedient under circumstances of the case — See Penal Code (1860), S. 417 (Oct) 489C

—S. 233 — Charge — Numerous offences alleged — There should be separate charges for each offence — Offences spreading over a period of years — Nothing in common in sequence of time or unity of purpose — One charge for all offences bad in law — See Criminal P. C. (1898), S. 234(1) (Oct) 489A

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—S. 247 — Mistaken order of acquittal purporting to be under S. 247 passed on date other than date fixed for hearing — Order is nullity and can be ignored by Court on discovery of mistake — It is not necessary to refer case to High Court. AIR 1930 Mad 1001 & AIR 1943 Mad 6, Dissent (Nov) 513A

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—Ss. 251A, 251, 252, 173, 190, 537 — Essential Commodities Act (1955), Ss. 7, 3 — Prosecution under — Offence, a non-cognizable offence — Report by police officer even though in non-cognizable case must be treated as police report within the meaning of Ss. 251, 251A and 252 — Proceedings before Magistrate on basis thereof cannot but be under S. 251-A — Defect in investigation — Cognizance so taken is only in nature of error in proceeding antecedent to trial — Defect will be cured under S. 537 (Mar) 123B

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—S. 256 — 'Any remaining witnesses for the prosecution' — Expression also include all such witnesses as may be produced by complainant, even though neither summoned nor named (Dec) 583

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—Ss. 342, 367 — Evidence Act (1872), S. 64 — Admission by accused of execution of document in statement under S. 342 — Prosecution based on document — Prosecution fails on its failure to prove the document (Sep) 423E

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—S. 401 — Imprisonment in default of fine — Undergoing of imprisonment does not operate as discharge or satisfaction of fine — Remission of part of imprisonment under S. 401 is illegal — Remission cannot amount to undergoing the whole term awarded — See Criminal P. C. (1898), S. 386 (1) Proviso (Mar) 116

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—S. 423 — Order forfeiting surety bond — Appellate Court cannot remand case — See Criminal P. C. (1898), S. 514 (Nov) 557

—S. 438 — Court passing order under S. 247 on date which was not fixed for hearing — Order is nullity which can be ignored — No reference to High Court necessary — AIR 1930 Mad 1001 and AIR 1943 Mad 6, Dissent — See Criminal Procedure Code (5 of 1898), S. 247 (Nov) 513A

—Ss. 439 and 145 — Proceedings under S. 145 — Finding of fact is not interfered with in revision as aggrieved party has remedy under S. 145 (6) — Finding of fact recorded by relying upon evidence inadmissible in evidence — Held, High Court could interfere in revision (Aug) 405B

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—S. 486 — Provisions of Chapter XXXI if applicable to appeal under S. 486 (1) — See Criminal P. C. (1898), S. 514 (Nov) 557

—S. 488 — Claim for maintenance under — Decree for judicial separation under S. 10 of Hindu Marriage Act does not operate as bar — Parties living separately by mutual consent — Wife held not entitled to maintenance — Children, not deprived of their right to claim maintenance (Apr) 191

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—S. 514 — "Court shall record the grounds of such proof" — Before surety is called upon to show cause why amount of bond or penalty thereunder may not be recovered from him, Court must first be satisfied that bond stood forfeited and reasons for that satisfaction must be recorded in writing. AIR 1943 Cal 251, Dissent from (Aug) 403

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(Sep) 432C

—S. 19-A and Sch. I — 'Khandsari' is nothing but sugar within meaning of Sch. I — Order of Central Government under Sec-

Employees' Provident Funds Act (contd.) tion 19-A (1) that petitioner's Khandsari manufactory is a sugar factory falling within Sch. I is final and cannot be challenged

(Sep) 432B

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(Sep) 432B

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—S. 3 — U. P. Foodgrains (Restrictions on Hoarding (Amendment) Order, 1967 would be deemed to be part of enactment itself — See Constitution of India, Art. 302

(Nov) 560C

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(Nov) 560D

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—Ss. 5 and 3 — U. P. Foodgrains (Restrictions on Hoarding) (Amendment) Order, 1967 — Held, Order was outside authority delegated by Central Government in favour of State Government by its notification dated June 9, 1966. (Constitution of India, Article 245) (Nov) 560D

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—S. 5 — Power to make orders cannot be claimed in respect of matters not specified in notification under Section 5

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—S. 7 (1) (a), Proviso — Prosecution under Section 7 read with Section 3 — Sentence of fine only awarded — Reasons given by Magistrate being age of accused, his being first offender, length of trial and loss sustained by accused — Reasons held to be most unsatisfactory — Reduction of fines from Rs. 2,000 to Rs. 1,000 by Sessions Judge in appeal held not justified — Offences of this type deserve deterrent punishment

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—S. 3 — Prosecution under Sections 10(7), 16 and 17 (1) of the Prevention of Food Adulteration Act (1954) — Evidence and proof — See Prevention of Food Adulteration Act (1954), Section 10 (7)

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—S. 9 — Procedure under Sec. 202 (1), Criminal P. C. is to be adopted where it is necessary to put up person named as accused for identification — See Criminal P. C. (1898), S. 202

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—S. 14 — Delay in issue of certificate to practise as a notary public signed much earlier — Inference as to mala fide cannot be drawn — See Constitution of India, Article 226

(Apr) 195D

—S. 18 — Admission of execution of document by accused during examination under Section 342, Criminal P. C. — Document, held not proved unless prosecution proves it — See Criminal P. C. (1898), Section 342

(Sep) 423E

—Ss. 21, 31 and 115 — In income-tax assessment proceedings against predecessor of defendant in present suit the predecessor and the defendant alleging that properties belonged to society registered under Societies Registration Act — This admission is binding on defendant in present suit against him and can be taken as evidence of fact that

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—S. 21 — Admitting execution of document by accused during examination under Section 342, Criminal P. C. — Document held not proved unless prosecution proves it — See Criminal P. C. (1898), Section 342

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—S. 31 — Admission by predecessor of defendant — Admissibility — See Evidence Act (1872), S. 21

(May) 248D

—S. 33 — Witness examined under Section 202, Criminal P. C. by Committing Magistrate — Cross-examination of such witness by accused not being possible at that stage of proceedings, his evidence should not be admitted under Section 33 by trial judge

(Oct) 489D

—Ss. 34, 114, Illus. (f) — Entries in property register of society showing properties gifted to the society — That the entries were made not immediately but after some time will not by itself make the document inadmissible in evidence to show what properties were gifted

(May) 248J

—S. 35 — Certificate of guardianship under Section 7 of Guardians and Wards Act is admissible in evidence — Entries therein as to period of minority are relevant under Section 35, Evidence Act — (1896) ILR 18 All 478, Not foll.

(Apr) 162B

—S. 47, Explanation — Person acquainted with hand-writing — Clerk in principal's office claiming acquaintance with principal's handwriting — Letter to be proved written in 1963 — Clerk joining office in 1964 — No evidence that letters written by principal were in ordinary course of business habitually submitted to the Clerk — Clerk cannot be said to be acquainted with the hand-writing

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—S. 47, Explanation — Opinion as to handwriting — Non-expert witness — Admissibility of evidence of — Duty of cross-examiner — Party relying on evidence of witness to prove document — Failure to prove acquaintance of witness with hand-writing of executant of document — Evidence of such witness is inadmissible — Cross-examiner not obliged to prove absence of acquaintance with handwriting. AIR 1938 Pat 497, Diss. From

(Sep) 423G

—S. 54 — Bad character of accused — Relevance of in criminal proceedings — See Criminal P. C. (1898), Section 342

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—S. 64 — Admission of execution of document during examination of accused under Section 324, Criminal P. C. (1898) — No substitute for primary proof — See Criminal P. C. (1898), S. 342

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—Ss. 417, 493 and 376 — Conviction — Charges under Sections 493, 376 and 417 — Accused alleged to have deceived complainant into belief that she was his legally wedded wife — Under that belief, complainant stated to have given money and jewellery to accused — Element of deception common to all charges — Such element negated for first two charges — Accused cannot be convicted on third charge without amending it and without giving him sufficient notice of such deception — Third charge also must fail along with other two — Third charge devoid of necessary particulars as to time, place and manner of alleged cheating — Case against accused pending for nearly 10 years — Sessions trial protracted for over one year — Civil suit between accused and complainant on their inter se financial liabilities pending — In such circumstances remand of case for fresh trial on third charge not expedient in the interest of justice (Oct) 489C

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—S. 9 — Food Inspector not possessing diploma necessary for being appointed as Sanitary Inspector — Government by Order D/- 1-11-1962 permitting unqualified sanitary inspectors to continue to work in that capacity subject to their being successful in special examination — Food Inspector taking sample from accused on 8-8-1963 which led ultimately to his conviction — Qualification on the result of the special examination attained by Food Inspector in Nov. 1963 — Held, that he was not a Food Inspector within the meaning of Section 9 on the date of taking sample and the Government Order could not confer on him the powers of the Food Inspector under the Act (Oct) 478

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—S. 12 (4) and (3) — Determination, meaning of — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act (1 of 1951), Section 332
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—S. 12 (7) — Scope and object — Section creates an estoppel by record and cannot be used to cut down application of doctrine of res judicata — (Civil P. C. (1908), Section 11) — (Evidence Act (1872), Section 115)
(Jul) 342F (FB)

—S. 19 — Publication of statement of tenure-holder under Section 19 does not operate as stay of proceeding under Section 12 — See Tenancy Laws — U. P. Consolidation of Holdings Act (5 of 1954), Section 12
(Jul) 342A (FB)

—S. 20 — Objection under Section 12 — Same cannot be raised under Sec. 20 — See Tenancy Laws — U. P. Consolidation of Holdings Act (5 of 1954), Section 12
(Jul) 342A (FB)

—S. 20 — Consolidation proceedings — Applicability of principles of res judicata — See Civil P. C. (1908), S. 11
(Jul) 342E (FB)

—S. 21 — Section does not cover revision under Section 48 — See Tenancy Laws — U. P. Consolidation of Holdings

Tenancy Laws — U. P. Consolidation of Holdings Act (contd.)

Act (5 of 1954), Section 12

(Jul) 342A (FB)

—S. 22 — Publication of statement of tenure holder under Section 19 does not operate as stay of proceeding under Section 12, by virtue of Section 22 (2) — See Tenancy Laws — U. P. Consolidation of Holdings Act (5 of 1954), Section 12

(Jul) 342A (FB)

—S. 22 (2) — Term Court in Section 22 (2) does not include consolidation authorities

(Jul) 342D (FB)

—S. 23 — Confirmation of proposals under the section does not deprive High Court of its powers under Article 226 of the Constitution — See Constitution of India, Article 226

(Jun) 304B (FB)

—S. 23 — Statement of proposal attaining finality — Power to correct — See Tenancy Laws — U. P. Consolidation of Holdings Act (5 of 1954), Section 12

(Jul) 342A (FB)

—S. 38 — Power to correct any document prepared under the Act — See Tenancy Laws — U. P. Consolidation of Holdings Act (5 of 1954), Section 12

(Jul) 342A (FB)

—S. 47 (as amended in 1958 and 1963) — Scope — See Constitution of India, Article 226

(Jun) 304B (FB)

—S. 48 (as amended in 1958 and 1963) — Scope — See Constitution of India, Article 226

(Jun) 304B (FB)

—S. 48 — Pendency of revision under Section 48 — Decision of Consolidation Officer does not attain finality — See Tenancy Laws — U. P. Consolidation of Holdings Act (5 of 1954), Section 12

(Jul) 342A (FB)

—S. 52 — High Court can issue appropriate writs, orders for directions to consolidation authority, even after proposals are confirmed — See Constitution of India, Article 226

(Jun) 304B (FB)

—S. 54 — Rules under — Rule 34 (3) is a part of the Act — See Tenancy Laws — U. P. Consolidation of Holdings Act (5 of 1954), Section 12

(Jul) 342G (FB)

—U. P. Consolidation of Holding Rules — See under Tenancy Laws — U. P. Consolidation of Holdings Act (5 of 1954), Section 54.

—U. P. Government Estates Thekedari Abolition Act (1958) (1 of 1959) — Act cannot be challenged on the ground that it does not profess to pay what may be called compensation at all, that the compensation for the determined leases was nothing but illusory and that the Act infringed Article 31-A — The Act is completely protected by Article 31-A from being affected by Articles 14, 19 or 31

(Jan) 43E

—S. 3 — Act applies not only to thekedaris but also cultivating lessees on Government Estate — Act intends to extend

Tenancy Laws — U. P. Government Estates Thekedari Abolition Act (contd.)

benefits of U. P. Zamindari Abolition and Land Reforms Act to cultivating lessees whose leases have been abolished — State cannot single out leases in any particular district, abolish them and not extend benefit of Reforms Act — State cannot use its discretion contrary to intention of Act — Notification abolishing leases without applying Reforms Act, is an act of bad faith, ineffective and must be quashed

(Jan) 43B

—S. 3 — Abolition of leases on Government Estate — Provisions are void under Art. 31-A, Second proviso, of the Constitution inasmuch as Act does not seek to provide compensation at market rate — Applicability of Government Grants Act (as amended in U. P.) — Section 3 of the Grants Act makes U. P. Imposition of Ceiling on Land Holdings Act applicable — Provisions are not severable — Thekedari Abolition Act became void with effect from 20th June 1964, when Second proviso to Article 31-A came into force — Notification under Act abolishing leases is also void

(Jan) 43D

—U. P. Imposition of Ceiling on Land Holdings Act (1 of 1961), Ss. 3 (c) (iv) and (v) and 4 — Tenure holder having three sons separate from him within the terms of Explanation to Section 3 (c) — Wives and daughters of those sons cannot be treated as members of the tenure-holder's family for determination of the ceiling area applicable to the tenure holder under Section 4

(Aug) 399

—S. 4 — Applicability — See Tenancy Laws — U. P. Thekedari Abolition Act 1958 (1 of 1959), Section 3

(Jan) 43D

—S. 4 — Wives and children of son separate from tenure-holder — Exclusion for determining ceiling area — See Tenancy Laws — U. P. Imposition of Ceiling on Land Holdings Act (1 of 1961), Section 3 (c) (iv) and (v)

(Aug) 399

—U. P. Zamindari Abolition and Land Reforms Act, 1950 (1 of 1951), S. 4 — Vesting of all estates in Uttar Pradesh in the State — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act, 1950 (1 of 1951), Section 18

(Nov) 526A (FB)

—S. 6 — Consequences of vesting of estate in State — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act, 1950 (1 of 1951), Section 18

(Nov) 526A (FB)

—Ss. 18, 4, 6, 152, 143, 331 — Joint Hindu family holding bhumidhari rights in holding — Members hold it as tenants in common — Notions of Hindu Law cannot be invoked — Each member is separate unit for purposes of devolution — 1965 All LJ 582 and Civil Misc. Writ No.

Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act (contd.)

2286 of 1965 (All), Overruled

(Nov) 526A (FB)

—Ss. 20 (b), Explanation I thereto and 232 — Person recorded as occupant within meaning of Section 20 (b) — His eviction from land in execution of compromise decree passed under Section 180 of U. P. Act 17 of 1939, thereafter — He is entitled to regain possession under Section 232 (Apr) 170A

—S. 20 (b), Explanations I, II, III — Compromise decree for eviction of occupant under Section 180 of U. P. Act 17 of 1939 passed on 8-12-1948 — No mention in compromise or decree for correction of records — Entries in favour of occupant cannot be deemed to have been corrected — Explanation I excludes operation of Explanations II and III

(Apr) 170C

—S. 20 (b) (i) — Entries relating to occupant in khasra and khatauni of 1356 F at variance — Khatauni entry showing certain person as occupant while khasra entry showing him as sub-tenant — Entry in Khatauni is in sufficient compliance with Section 20 (b) (i)

(Apr) 170B

—S. 20 (b) — Phrase "recorded as occupant" in Section 20 (b) — Meaning of — A person whose name is recorded in column of sub-tenant is also an occupant within Section 20 (b) — AIR 1964 All 498 (FB), Held, impliedly overruled by AIR 1961 SC 143 and AIR 1965 SC 54 — Person entered as sub-tenant of part of holding — Effect of

(Jun) 304A (FB)

—S. 127-B — Panel Lawyer of Gaon Sabhas at Tehsil H. Q. — Holds an office of profit not within Article 191 of Constitution — See Constitution of India, Article 191

(Feb) 88C

—S. 143 — Except as provided under the Act Bhumidar not governed by his personal law — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act, 1950 (1 of 1951), Section 18

(Nov) 526A (FB)

—S. 152 — Joint Hindu Family holding Bhumidhari lands — Each member's right to transfer his interest in land is controlled by Sec. 152 — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act, 1950 (1 of 1951) S. 18

(Nov) 526A (FB)

—S. 175 — Joint Hindu family holding Bhumidari rights in holding — Members hold it as tenants in common — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act 1950 (1 of 1951), Section 18

(Nov) 526A (FB)

—S. 209 — Bar of jurisdiction of Civil Court — Tests indicated — See Civil P. C. (1908), Section 9

(Nov) 526C (FB)

—S. 232 — Eviction of person recorded as occupant within meaning of Sec. 20

Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act (contd.)

(b), in execution of compromise decree under Section 180, U. P. Tenancy Act — He is entitled to regain possession under the section — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act 1950 (1 of 1951), Section 20 (b), Explanation I, thereto (Apr) 170A (FB)

—S. 240-D — Scope — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act (1951), Chap. IX-A

(Jan) 26A (FB)

—S. 240-G (as introduced by Act 20 of 1954) — Word "person interested" means person interested in receiving compensation

(Jan) 26B (FB)

—S. 240-J (as introduced by Act 20 of 1954) — Compensation statement sealed and signed under Section 240-J is not conclusive as regards status of a person as adhvasi — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act (1 of 1951), Ch. IX-A (as introduced by Act 20 of 1954)

(Jan) 26A (FB)

—S. 331 — Except as provided under the Act Bhumidar not governed by his personal law — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act, 1950 (1 of 1951), Section 18

(Nov) 526A (FB)

—S. 331 — Bar of jurisdiction of Civil Court — Tests indicated — See Civil P. C. (1908), Section 9

(Nov) 526C (FB)

—S. 332 — Revenue Court remitting issue to civil court for decision — Finding recorded by civil court is not decision but only finding that cannot operate as res judicata: C. M. Writ No. 3564 of 1958. D/- 20-4-1962, Reversed

(Aug) 407

—Ch. IX-A and Ss. 240-J and 240-D (as introduced by Act 20 of 1954) — Scope — Compensation statement sealed and signed under Section 240-J is not conclusive as regards status of a person as "Adhvasi" — Consolidation authorities competent to go into question

(Jan) 26A (FB)

—U. P. Zamindari Abolition and Land Reforms Rules, 1952, R. 114 — Panel lawyer of Gaon Sabhas at Tehsil H. Q. — Holds an office of profit within Article 191 of the Constitution — See Constitution of India, Article 191

(Feb) 88C

Transfer of Property Act (4 of 1882), S. 8 — Deed, construction — Real intention of parties must be judged from contents of document as a whole and not from use of any specific word or phrase therein

(Dec) 571A

—S. 9 — Sale of evacuee property worth less than Rs. 100-00P by custodian — Sale can be oral by delivery of posses-

T. P. Act (contd.)

sion — See Administration of Evacuee Property Act (1950), Section 10 (2) (o) (Nov) 554

—S. 54 — Sale of evacuee property by custodian — Section 54 applies — See Administration of Evacuee Property Act (1950), Section 10 (2) (o) (Nov) 554

—S. 60 — Suit for redemption of mortgage in erstwhile Tehri Garhwal State — Limitation — Starting and expiry of — See Limitation Act (1908), Article 148 (Jan) 31

—S. 105 — No interest in property passed to occupier — Occupier is licensee and not lessee — Fact that ground rent was being charged would not make him lessee (May) 248K

—Ss. 105 and 106 — Interest of a tenant from year to year as well as a tenant from month to month is heritable (Jul) 333C (FB)

—S. 105 — Co-tenancy and joint tenancy — Incidence of (Nov) 526B (FB)

—Ss. 106 and 116 — Tenant remaining in possession of premises after expiry of stipulated period — Presumption under Section 106 and principle of holding over (Jul) 333A (FB)

—S. 106 — Contract of tenancy — Formal notice for a definite period required to be served in case of termination by either party — Tenancy is not tenancy at will — AIR 1950 All 583, Overruled (Jul) 333B (FB)

—S. 106 — Interest of tenant from year to year and from month to month is heritable — See Transfer of Property Act (1882), Section 105 (Jul) 333C (FB)

—S. 116 — Principles of holding over — See Transfer of Property Act (1882), Section 106 (Jul) 333A (FB)

—S. 122 — Gift to idol, an impersonal deity — Gift to Radha Swami Satsangis — Dedication held valid (May) 248M

—S. 122 — Gift by Sant Sat Guru to Radha Swami Dayal, the supreme deity — Sant Sat Guru, according to tenets of Dayal Bagh sect not regarded as representative of supreme being on earth — Gift to be utilised for benefit of Dayal Bagh group of Satsangis — Registered Society formed for same purpose — Gift to vest in Sabha — Gift is not by Sant Sat Guru to himself and is valid — The gift vested in Sabha for the benefit of Satsangis (May) 248N

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U. P. Consolidation of Holdings Act (5 of 1954)

See under Tenancy Laws.

U. P. Encumbered Estates Act (25 of 1934)

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—Cl. 3 (2) — Presumption under — Wheat found in possession of a person in excess of ten quintals — Person engaged in business of selling and purchasing goods — Presumption would be that it was stored for purpose of sale — See Essential Commodities Act (1955), S. 3 (Mar) 123A

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—Para 3 — Order providing limits of stock to be held by a grain dealer — Such provision is not regulatory but prohibitory — See Essential Commodities Act (1955), Section 3 (1) (Nov) 560A

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—S. 13 (2) — Word "Judge" occurring in Court-fees Act (1870), Section 5 includes "Judges" — See Court-fees and Suits Valuations — Court-fees Act (1870), Section 5 (Oct) 484B (FB)

—S. 14 — Passing successive orders under Section 12 (6) of U. P. Act (28 of 1956) is permissible — See Education — U. P. Varanaseya Sanskrit Vishwa Vidyalaya Act (28 of 1956), S. 12 (Aug) 378 (FB)

U. P. Government Estates Thekedari Abolition Act (1958) (1 of 1959) — See under Tenancy Laws.

U. P. Higher Judicial Service Rules (1953)

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U. P. Home Guards Adhiniyam (29 of 1963) — Appointment of person as Adjutant prior to Act — Person holds an office of profit within Art. 191 of the Constitution — See Constitution of India, Article 191 (Feb) 88B

—S. 15 — Appointment made under executive orders in force prior to enforcement of Adhiniyam — Not appointment under Adhiniyam — See General Clauses Act (1897), Section 24 (Feb) 88A

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U. P. Industrial Disputes Act (28 of 1947), S. 6 (1) (3) — When individual dispute

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becomes Industrial Dispute — Dispute must be sponsored by a union of workers of the company concerned or by a union of workers employed in similar or allied trade — Dispute as to claim for bonus in a company manufacturing electrical goods sponsored by union of workers of metal industry — Workers of metal industry cannot be said to be employed in similar or allied trade as the company manufacturing electrical goods is engaged — Reference by State Government is not competent (May) 242

Uttar Pradesh Industrial Housing Act (23 of 1955)

See under Houses and Rents.

U. P. Kshettra Samitis and Zilla Parishads Adhiniyam (U. P. Act 33 of 1961)

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U. P. Motor Vehicles Rules (1940), R. 44A

— Power of Regional Transport Authority under Section 44 (5) of the Act — Delegation of to Secretary Member — Validity — W. P. No. 296 of 1963, D/- 7-8-1964 (All), Overruled — See Motor Vehicles Act (1939), Section 44 (5) (Jul) 365A (FB)

— R. 72 — Interpretation of — Rule is mandatory and not directory — Failure to implead persons to be affected, on date of appeal — Effect — Civil P. C. (1908), Pre. — Interpretation of Statutes — Motor Vehicles Act (1939), Section 64 (Mar) 119A

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— S. 3 (1) (c) — Clause C not discriminatory — Procedure provided thereunder when available — See Constitution of India, Article 14 (Sep) 419A

U. P. (Temporary) Control of Rent and Eviction Act (3 of 1947)

See under Houses and Rents.

U. P. Municipalities Act (2 of 1916)

See under Municipalities.

U. P. Nagar Mahapalika Adhiniyam (2 of 1959)

See under Municipalities.

U. P. Sales Tax Act (15 of 1948)

See under Sales Tax.

U. P. Sales Tax Rules (1948)

See under Sales Tax.

U. P. State Road Transport Services (Development) Rules (1958), R. 10 — Power of Regional Transport Authority under Section 44 (5) of the Act — Delegation of to Secretary Member — Validity W. P. No. 296 of 1963, D/- 7-8-1964 (All), Overruled — See Motor Vehicles Act (1939), Section 44 (5) (Jul) 365A (FB)

U. P. Town Areas Act (2 of 1914)

See under Municipalities.

U. P. Varanasya Sanskrit Vishwa Vidyalaya Act (28 of 1956)

See under Education.

U. P. Vrithi, Vyapar, Ajivika Aur Sevayojan Kar Adhiniyam (21 of 1965), Pre. — Act is within legislative competence of U. P. Legislature — See Constitution of India, Article 246 (Jun) 317A (FB).

— Preamble — Act is not discriminatory and not hit by Article 14 — See Constitution of India, Article 14 (Jun) 317C (FB).

— Preamble — Act is not confiscatory in nature — See Constitution of India, Article 265 (Jun) 317D (FB).

— Preamble — Act cannot be said to be hit by Article 19 (1) (f) and (g) as also by Article 31 as these articles have no application here because Act is passed after the enforcement of the emergency — See Constitution of India, Article 19 (Jun) 317E (FB).

— Preamble — Act cannot be said to be conflicting with Income Tax Act — See Constitution of India, Article 254 (Jun) 317F (FB).

— S. 2 (6) (12) — Validity — See Constitution of India, Article 246 (Jun) 317A (FB).

— S. 3 — Scope — Validity — See Constitution of India, Article 246 (Jun) 317A (FB).

— S. 3 — Validity — See Constitution of India, Article 14 (Jun) 317C (FB).

— S. 3 — Validity — See Constitution of India, Article 265 (Jun) 317D (FB).

— S. 3 — Tax under the Act not a tax on income — Act cannot be said to be conflicting with Income Tax Act — See Constitution of India, Article 254 (Jun) 317F (FB).

— S. 4 — Scope — Validity — See Constitution of India, Art. 246 (Jun) 317A (FB).

— S. 5 — Scope — Validity — See Constitution of India, Art. 246 (Jun) 317A (FB).

U. P. Zamindari Abolition and Land Reforms Act (1 of 1951)

See under Tenancy Laws.

U. P. Zamindari Abolition and Land Reforms Rules 1952

See under Tenancy Laws.

U. P. Zilla Parishads (Election of Adhyaksha and Up-Adhyaksha and Settlement of Election Disputes) Rules (1961).

See under Tenancy Laws.

Words and Phrases — Word "determination" — Connotation — Determination means final determination — Mere opinion or finding not determination — See Tenancy Laws — U. P. Consolidation of Holdings Act (1954), S. 12 (4)

(Aug) 407

—"Entertained" — Word "entertained" in first proviso to S. 9 (1), U. P. Sales Tax Act means the first occasion on which court takes up matter for consideration — See Sales Tax — U. P. Sales Tax Act (15 of 1948), S. 9 (1)

(Apr) 200A (FB)

—"Eviction" — Word is generally used in sense of compulsive dispossession — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act (1 of 1951) S. 20 (b) explanation I there-to

(Apr) 170A (FB)

—"Has been" — Meaning — "Has been" when not followed by a participle is the present perfect tense of "to be" and indicates that the state of being existed and may be (but not necessarily is) continuing

(May) 230B

—"Khandsari" — Meaning of — See Employees' Provident Funds Act (1952), S. 19A

(Sep) 432B

—"Manufacturing process" — Packing grass into bales for being sent as raw material to paper factory — Not manufacturing process. 1962-1 Lab LJ 697 (All), Reversed — See Factories Act (1948), S. 2 (k) (i) and (m)

(Nov) 547

—"May" — See Houses & Rents — U. P. Industrial Housing Act (U. P. Act

Words and Phrases (contd.)

No. 23 of 1955) S. 21 (1)

(Jun) 278B (FB)

—"Packing" — Meaning of — See Factories Act (1948), S. 2 (k) (i) and (m)

(Nov) 547

—"Persona designata" — Meaning of — See Court-fees and Suits Valuations — Court Fees Act (1870), S. 5

(Oct) 484A (FB)

—"Professional misconduct" — It involves moral turpitude — See Notaries Act (1952), S. 10 (d)

(Jul) 363

—"Recorded as occupant" — Meaning of — See Tenancy Laws — U. P. Zamindari Abolition and Land Reforms Act (1 of 1951) S. 20 (b)

(Jun) 304A (FB)

—"Service" — Expression "the service" in Art. 232 (2) can only mean "judicial service" as defined in Art. 236 (b) of Constitution — See Constitution of India, Art. 233 (2)

(Dec) 594A (FB)

—"Special Duty" — Meaning of — See Constitution of India, Art. 191

(Feb) 88B

—"Transaction" — Meaning of — See Criminal P. C. (1898), S. 234 (1)

(Oct) 489A

—"Voluntary" — Word "voluntarily" means that the person obtaining passport acted of his own volition and knew the nature of his act, and did not act in performance of a legal duty, nor due to coercion, or fraud, or misrepresentation, or mistake — See Citizenship Rules (1956), R. 30

(May) 223B

CORRECTION SLIP

AIR 1969 All 278 (V 56 C 54) (June)(FB), at page 280, col. 2 line 14, Add word "not" between words "need" and "be".

ALLAHABAD SUBJECTWISE LIST OF CASES OVERRULED, REVERSED AND DISSENTED FROM, ETC., IN A. I. R. 1969

DISS.=Dissented from in; NOT F.=Not followed in; OVER.=Overruled in;
REVERS.=Reversed in

Arbitration Act (10 of 1940)

- S. 8 — AIR 1965 All 269 — Reversed. AIR 1969 SC 474 (Jun).
- S. 20 — AIR 1965 All 269 — Reversed. AIR 1969 SC 474 (Jun).

Arms Act (54 of 1959)

- S. 17 (3) — AIR 1966 All 265 — Diss. AIR 1969 Assam 50A (FB) (May).

Citizenship Act (57 of 1955)

- S. 9 — AIR 1963 All 260 — Over. AIR 1969 SC 1234A (Dec).
- S. 9 — ('63) S. A. No. 3809 of 1958, D/- 11-12-1963 (All) — Reversed. AIR 1969 SC 1234A (Dec).

Citizenship Rules (1956)

- R. 30 — AIR 1963 All 260 — Over. AIR 1969 SC 1234A (Dec).
- R. 30 — S. A. No. 3809 of 1958, D/- 11-12-1963 (All) — Revers. AIR 1969 SC 1234A (Dec).

Civil Procedure Code (5 of 1908)

- S. 9 — 1965 All LJ 1137 — Over. AIR 1969 All 526C (FB) (Nov).
- S. 11 — (1910) 7 All LJ 861 (FB) — Over. AIR 1969 All 504B, C (FB) (Oct).
- S. 11 — (1910) 7 All LJ 995 — Over. AIR 1969 All 504B, C (FB) (Oct).
- S. 11 — AIR 1914 All 173 — Disapproved. AIR 1969 SC 316A (Apr).
- S. 11 — AIR 1941 All 277 — Over. AIR 1969 All 504B, C (FB) (Oct).
- S. 11 — AIR 1946 Oudh 33 (FB) — Held no longer good law in view of AIR 1966 SC 1332 as interpreted in AIR 1969 All 504C (FB) (Oct).
- S. 11 — AIR 1965 All 280 — Over. AIR 1969 All 504B (FB) (Oct).
- S. 20 — 1965 All LJ 1137 — Over. AIR 1969 All 526C (FB) (Nov).
- S. 36 — AIR 1941 All 140 — Diss. AIR 1969 Guj 28 (Jan).
- S. 47 — AIR 1914 All 173 — Disapproved. AIR 1969 SC 316A (Apr).
- S. 47 — AIR 1932 All 439 — Diss. AIR 1969 Cal 406A (Aug).
- S. 47 — AIR 1961 All 1 (FB) — Diss. AIR 1969 Orissa 32 (Feb).
- S. 47 — ILR (1965) 2 All 383 — Revers. AIR 1969 SC 1270 (Dec).
- S. 60 (1) (c) — AIR 1924 All 328 — Diss. AIR 1969 Andh Pra 355B (Oct).
- S. 80 — (62) F. A. No. 205 of 1950, D/- 24-4-1962 (All) — Revers. AIR 1969 SC 674B (Aug).
- S. 94 — AIR 1941 All 140 — Diss. AIR 1969 Guj 28 (Jan).
- S. 107 — (64) S. As. Nos. 4940 and 3660 of 1961, D/- 27-4-1964 (All). — Revers. AIR 1969 SC 1316B (Dec).
- S. 115 — AIR 1934 All 541 — Not F. AIR 1969 Mad 191G (May).
- S. 144 — AIR 1954 All 119 — Diss. AIR 1969 Ker 31 (Jan).

Civil P. C. (contd.)

- S. 153 — AIR 1965 All 586 — Revers. AIR 1969 SC 1267A (Dec).
- O. 1. R. 10 — AIR 1914 All 173 — Disapproved. AIR 1969 SC 316A (Apr).
- O. 6, R. 17 — AIR 1965 All 586 — Revers. AIR 1969 SC 1267A (Dec).
- O. 6, R. 153 — AIR 1965 All 586 — Revers. AIR 1969 SC 1267A (Dec).
- O. 21, R. 2 — AIR 1961 All 1 (FB) — Diss. AIR 1969 Orissa 32 (Feb).
- O. 21, R. 32 — AIR 1941 All 140 — Diss. AIR 1969 Guj 28 (Jan).
- O. 21, R. 35 — AIR 1914 All 173 — Disapproved. AIR 1969 SC 316A (Apr).
- O. 21, R. 94 — AIR 1938 All 471 — Diss. AIR 1969 Mys 73A (Mar).
- O. 22, R. 3 — AIR 1914 All 173 — Disapproved. AIR 1969 SC 316A (Apr).
- O. 23, R. 1 (2), (a), (b) — AIR 1957 All 845 (FB) — Diss. AIR 1969 Mys 141 (Apr).
- O. 30, R. 1 — AIR 1965 All 586 — Revers. AIR 1969 SC 1267A (Dec).
- O. 34, R. 14 — AIR 1932 All 439 — Diss. AIR 1969 Cal 406A (Aug).
- O. 34, R. 15 — AIR 1932 All 439 — Diss. AIR 1969 Cal 406A (Aug).
- O. 39, R. 1 — AIR 1941 All 140 — Diss. AIR 1969 Guj 28 (Jan).
- O. 39, R. 2 (3) — AIR 1941 All 140 — Diss. AIR 1969 Guj 28 (Jan).
- O. 41, R. 33 — (64) S. As. Nos. 4940 and 3660 of 1961, D/- 27-4-1964 (All) — Revers. AIR 1969 SC 1316B (Dec).
- O. 42, R. 1 — (64) S. As. Nos. 4940 and 3660 of 1969, D/- 27-4-1964 (All) — Revers. AIR 1969 All 594C (FB) (Dec.)

Constitution of India

- Arts. 31A and 31B — AIR 1969 All 230 — Revers. AIR 1969 All 594C (FB) (Dec).
- Art. 141 — AIR 1969 All 230 — Revers. AIR 1969 All 594C (FB) (Dec).
- Art. 142 — AIR 1969 All 230 — Revers. AIR 1969 All 594C (FB) (Dec).
- Art. 144 — AIR 1969 All 230 — Revers. AIR 1969 All 594C (FB) (Dec).
- Art. 226 — ('62) Civil Misc. Writ No. 1870 of 1961, D/- 5-10-1962 (All) — Over. AIR 1969 All 269B (Jun).
- Art. 226 — ('66) W. P. No. 1827 of 1963, D/- 3-3-1966 (All) — Revers. AIR 1969 All 14A (Jan).
- Art. 226 — ('67) S. A. No. 322 of 1964, D/- 27-3-1967 (All) — Revers. AIR 1969 SC 556 (Jul).
- Art. 226 — ('67) Civil Misc. Writ No. 70 of 1967, D/- 10-3-1967 (All) — Over. AIR 1969 All 269B (Jun).
- Art. 233 — AIR 1969 All 230 — Revers. AIR 1969 All 594C (FB) (Dec).
- Art. 233A — AIR 1969 All 230 — Revers. AIR 1969 All 594C (FB) (Dec).

Constitution of India (contd.)

- Art. 245 — AIR 1969 All 230 — Revers. AIR 1969 All 594C (FB) (Dec).
- Art. 246 — AIR 1969 All 230 — Revers. AIR 1969 All 594C (FB) (Dec).
- Art. 309, Proviso — Observations of Dwivedi, J. in AIR 1962 All 328 — Diss. AIR 1969 Andh Pra 109 (Mar).
- Art. 309 — AIR 1965 All 406 — Revers. AIR 1969 All 449 (FB) (Sep).
- Art. 310 — AIR 1965 All 406 — Revers. AIR 1969 All 449 (FB) (Sep).
- Art. 311 (2) — AIR 1965 All 406 — Revers. AIR 1969 All 449 (FB) (Sep).
- Art. 311 (2) — (65) S. A. No. 1271 of 1962, D/- 2-3-1965 (All) — Revers. AIR 1969 SC 1020A (Nov).
- Art. 368, Proviso — AIR 1969 All 230 — Revers. AIR 1969 All 594C (FB) (Dec).
- Sch. 7, List I, Item 82 — 1955 All LJ 630 — Over. AIR 1969 All 14A (FB) (Jan).
- Sch. 7, List I, Item 82 — AIR 1957 All 433 — Over. AIR 1969 All 40A (FB) (Jan).
- Sch. 7, List I, Item 82 — 1961 All LJ 743 — Over. AIR 1969 All 40A (FB) (Jan).

Contempt of Courts Act (32 of 1952)

- S. 1 — (65) Cri. Misc. Contempt Case No. 7 of 1965, D/- 3-8-1965 (All) — Revers. AIR 1969 SC 30 (Jan).

Contract Act (9 of 1872)

- S. 73 — AIR 1938 All 276 — Diss. AIR 1969 Bom 373C (Nov).
- S. 73 — AIR 1943 Oudh 17 — Diss. AIR 1969 Bom 373C (Nov).
- S. 202 — AIR 1964 All 441 — Revers. AIR 1969 SC 73 (Jan).

COURT-FEES AND SUITS VALUATIONS

- Court-fees Act (7 of 1879)
- S. 5 — (1911) ILR 33 All 20 — Over. AIR 1969 All 484B (FB) (Oct).
- S. 5 — AIR 1951 All 499 — Over. AIR 1969 All 484B (FB) (Oct).

Criminal Procedure Code (5 of 1898)

- S. 4 (1) (4) — AIR 1967 All 468 — Held no longer good law in view of AIR 1964 SC 1541 as interpreted in AIR 1969 Ker 97 (Apr).
- S. 145 — AIR 1963 All 256 — Diss. AIR 1969 Manipur 3 (Jan).
- S. 146, sub-sections (1B) and (1D) — AIR 1960 All 599 — Diss. AIR 1969 Assam 81A (Jul).
- S. 156 (3) — AIR 1967 All 468 — Held no longer good law in view of AIR 1964 SC 1541 as interpreted in AIR 1969 Ker 97 (Apr).
- S. 190 — AIR 1952 All 873 — Diss. AIR 1969 Ker 111E (Apr).
- S. 190 — AIR 1967 All 468 — Held no longer good law in view of AIR 1964 SC 1541 as interpreted in AIR 1969 Ker 97 (Apr).

Criminal P. C. (contd.)

- S. 195 (1) (a) (b) — AIR 1968 All 765 — Over. AIR 1969 SC 355A (May).
- S. 367 (5) (as amended by Act 26 of 1955) — AIR 1960 All 748 — Diss. AIR 1969 Bom 294A (FB) (Sep).
- S. 405 — AIR 1926 All 403 — Diss. AIR 1969 All 557 (Nov).
- S. 405 — 1956 All LJ 649 — Diss. AIR 1969 All 557 (Nov).
- S. 405 — 1957 All LJ 648 — Diss. AIR 1969 All 557 (Nov).
- S. 406 — AIR 1926 All 403 — Diss. AIR 1969 All 557 (Nov).
- S. 406 — 1956 All LJ 649 — Diss. AIR 1969 All 557 (Nov).
- S. 406 — 1957 All LJ 648 — Diss. AIR 1969 All 557 (Nov).
- S. 406A — AIR 1926 All 403 — Diss. AIR 1969 All 557 (Nov).
- S. 406A — 1956 All LJ 649 — Diss. AIR 1969 All 557 (Nov).
- S. 406A — 1957 All LJ 648 — Diss. AIR 1969 All 557 (Nov).
- S. 423 — AIR 1926 All 403 — Diss. AIR 1969 All 557 (Nov).
- S. 423 — 1956 All LJ 649 — Diss. AIR 1969 All 557 (Nov).
- S. 423 — 1957 All LJ 648 — Diss. AIR 1969 All 557 (Nov).
- S. 435 — AIR 1960 All 599 — Diss. AIR 1969 Assam 81A (Jul).
- S. 436 — AIR 1941 Oudh 409 — Diss. AIR 1969 Cal 161C (Apr).
- S. 437 — AIR 1941 Oudh 409 — Diss. AIR 1969 Cal 161C (Apr).
- S. 439 — AIR 1960 All 599 — Diss. AIR 1969 Assam 81A (Jul).
- S. 486 — AIR 1926 All 403 — Diss. AIR 1969 All 557 (Nov).
- S. 486 — 1956 All LJ 649 — Diss. AIR 1969 All 557 (Nov).
- S. 486 — 1957 All LJ 648 — Diss. AIR 1969 All 557 (Nov).
- S. 510A — AIR 1963 All 256 — Diss. AIR 1969 Manipur 3 (Jan).
- S. 514 — AIR 1926 All 403 — Diss. AIR 1969 All 557 (Nov).
- S. 514 — 1956 All LJ 649 — Diss. AIR 1969 All 557 (Nov).
- S. 514 — 1957 All LJ 648 — Diss. AIR 1969 All 557 (Nov).
- S. 515 — AIR 1926 All 403 — Diss. AIR 1969 All 557 (Nov).
- S. 515 — 1956 All LJ 649 — Diss. AIR 1969 All 557 (Nov).
- S. 515 — 1957 All LJ 648 — Diss. AIR 1969 All 557 (Nov).
- S. 539 — AIR 1963 All 256 — Diss. AIR 1969 Manipur 3 (Jan).
- Ss. 539A, 539AA — AIR 1963 All 256 — Diss. AIR 1969 Manipur 3 (Jan).
- S. 561A — AIR 1926 All 403 — Diss. AIR 1969 All 557 (Nov).
- S. 561A — 1956 All LJ 649 — Diss. AIR 1969 All 557 (Nov).
- S. 561A — 1957 All LJ 648 — Diss. AIR 1969 All 557 (Nov).

DEBT LAWS

—U. P. Encumbered Estates Act (25 of 1934)

—S. 19 (2) — AIR 1947 All 188 — Over. AIR 1969 All 220 (FB) (May).

—S. 47 — AIR 1947 All 188 — Over. AIR 1969 All 220 (FB) (May).

Drugs and Cosmetics Act (23 of 1940)

—S. 23 — AIR 1960 All 460 — Diss. AIR 1969 Andh Pra 99C (Mar).

—S. 25 — AIR 1960 All 460 — Diss. AIR 1969 Andh Pra 99C (Mar).

Easements Act (5 of 1882)

—S. 2 (b) — AIR 1929 All 676 — Diss. AIR 1969 Raj 31B (Feb).

—S. 2 (r) — AIR 1963 All 340 — Diss. AIR 1969 Raj 31B (Feb).

—S. 18, III. (b) — AIR 1929 All 676 — Diss. AIR 1969 Raj 31B (Feb).

—S. 18, III. (b) — AIR 1963 All 340 — Diss. AIR 1969 Raj 31B (Feb).

Evidence Act (1 of 1872)

—S. 3 — AIR 1952 All 506 — Diss. AIR 1969 Punj 244A (Jul).

—S. 35 — (1896) ILR 18 All 478 — Not F. AIR 1969 All 162B (Apr).

Factories Act (LXIII of 1948)

—S. 2 (k), (i) and (m) — (1962) 1 Lab LJ 697 (All) — Revers. AIR 1969 All 547 (Nov).

Hindu Adoptions and Maintenance Act (78 of 1956)

—S. 4 — AIR 1967 All 148 — Diss. AIR 1969 Mad 72E (Mar).

—S. 5 — AIR 1967 All 148 — Diss. AIR 1969 Mad 72E (Mar).

—S. 7 — AIR 1967 All 148 — Diss. AIR 1969 Mad 72E (Mar).

—S. 8 — AIR 1967 All 148 — Diss. AIR 1969 Mad 72E (Mar).

—S. 11 — AIR 1967 All 148 — Diss. AIR 1969 Mad 72E (Mar).

—S. 12 — AIR 1967 All 148 — Diss. AIR 1969 Mad 72E (Mar).

—S. 14 — AIR 1967 All 148 — Diss. AIR 1969 Mad 72E (Mar).

Hindu Marriage Act (25 of 1955)

—S. 24 — F. A. F. O. No. 244 of 1959, D/- 19-5-1960 (All) — Over. AIR 1969 All 601 (Dec).

—S. 28 — F. A. F. O. No. 244 of 1959, D/- 19-5-1960 (All) — Over. AIR 1969 All 601 (Dec).

HOUSES AND RENTS

—U. P. (Temporary) Control of Rent and Eviction Act (3 of 1947)

—S. 3 — AIR 1964 All 7 (FB) — Held impliedly overruled by AIR 1965 SC 1767 as interpreted in AIR 1969 All 474 (FB) (Oct).

Income Tax Act (11 of 1922)

—S. 2 (6A) — AIR 1964 All 457 — Revers. AIR 1969 SC 840 (Oct).

—S. 4 — AIR 1964 All 457 — Revers. AIR 1969 SC 840A (Oct).

—S. 6 — AIR 1965 All 94 — Revers. AIR 1969 SC 209 (Mar).

—S. 10 — AIR 1965 All 94 — Revers. AIR 1969 SC 209 (Mar).

—S. 10 (1) — AIR 1964 All 457 — Revers. AIR 1969 SC 840A (Oct).

—S. 10 (2) (10) (15) — (1963) 48 ITR 346 (All) — Revers. AIR 1969 SC 609 (Aug).

—S. 23A (4) — ILR (1963) 2 All 325 — Revers. AIR 1969 SC 501 (Jun).

—S. 24 (1) 1st Proviso Expl. (1) — AIR 1965 All 94 — Revers. AIR 1969 SC 209 (Mar).

—S. 29 — AIR 1961 All 133 — Over. AIR 1969 SC 667A (Aug).

—S. 34 — (1968) 1 ITJ 662 (All) — Revers. AIR 1969 SC 944 (Nov).

—S. 46 (2) — AIR 1961 All 133 — Over. AIR 1969 SC 667A (Aug).

Industrial Disputes Act (14 of 1947)

—S. 15 — ('84) ILR 6 All 173 — Held no longer good law in view of AIR 1950 SC 188 in AIR 1969 Pat 53D (Feb).

—S. 15 — ('84) ILR 6 All 634 — Held no longer good law in view of AIR 1950 SC 188 in AIR 1969 Pat 53D (Feb).

—S. 33-C (2) — 1952-1 Lab LJ 524 (LATI at All) — Diss. AIR 1969 Mad 374B (Oct).

—Sch. III, Item 5 — ('84) ILR 6 All 173 — Held no longer good law in view of AIR 1950 SC 188 in AIR 1969 Pat 53D (Feb).

—Sch. III, Item 5 — ('84) ILR 6 All 634 — Held no longer good law in view of AIR 1950 SC 188 in AIR 1969 Pat 53D (Feb).

Land Acquisition Act (1 of 1894)

—S. 18 — AIR 1929 All 769 — Diss. AIR 1969 Pat 131 (Apr).

—S. 18 — AIR 1963 All 556 (FB) — Diss. AIR 1969 Pat 131 (Apr).

Limitation Act (9 of 1908)

—S. 20 — AIR 1939 All 230 — Diss. AIR 1969 Cal 390B (Aug).

—Art. 181 — AIR 1957 All 206 — Over. AIR 1969 All 518 (FB) (Nov).

—Art. 183 — AIR 1939 All 230 — Diss. AIR 1969 Cal 390B (Aug).

Limitation Act (36 of 1963)

—S. 19 — AIR 1935 All 129 — Held Overruled by AIR 1953 SC 225 As Interpreted in AIR 1969 Raj 192A (FB) (Jul).

Lunacy Act (4 of 1912)

—S. 62 — AIR 1920 All 80 — Diss. AIR 1969 Pat 33B (Feb).

Motor Vehicles Act (4 of 1939),

- S. 44 (5) — W. P. No. 296 of 1963, D/- 7-8-1964 (All) — Over. AIR 1969 All 365A (FB) (Jul).
- S. 47 (3) — (66) W. P. No. 1827 of 1963, D/- 3-3-1966 (All) — Revers. AIR 1969 All 14B (Jan).
- S. 48 — (66) W. P. No. 1827 of 1963, D/- 3-3-1966 (All) — Revers. AIR 1969 All 14B (Jan).
- S. 65 — W. P. No. 296 of 1963, D/- 7-8-1964 (All) — Over. AIR 1969 All 365A (FB) (Jul).
- S. 68-G — W. P. No. 296 of 1963, D/- 7-8-1964 (All) — Over. AIR 1969 All 365A (FB) (Jul).

Mussalman Wakf Validating Act (6 of 1913)

- S. 3 — AIR 1927 All 255 — Diss. AIR 1969 Mys 103D (Mar).

Partnership Act (9 of 1932)

- S. 4 — AIR 1944 Oudh 37 — Diss. AIR 1969 Guj 178C (Jun).
- S. 4 — AIR 1952 All 695 — Diss. AIR 1969 Guj 178C (Jun).
- S. 63 — AIR 1944 Oudh 37 — Diss. AIR 1969 Guj 178C (Jun).
- S. 63 — AIR 1952 All 695 — Diss. AIR 1969 Guj 178C (Jun).
- S. 69 (2) — AIR 1944 Oudh 37 — Diss. AIR 1969 Guj 178C (Jun).
- S. 69 (2) — AIR 1952 All 695 — Diss. AIR 1969 Guj 178C (Jun).

Prevention of Food Adulteration Act (37 of 1954)

- S. 5 — AIR 1964 All 199 — Diss. AIR 1969 Ker 179 (Jun).
- S. 7 — AIR 1964 All 199 — Diss. AIR 1969 Ker 179 (Jun).
- S. 16 (1) (a) (i) — AIR 1964 All 199 — Diss. AIR 1969 Ker 179 (Jun).

Railways Act (9 of 1890)

- S. 74E — AIR 1920 Oudh 70 — Over. AIR 1969 SC 817B (Oct).
- S. 80 — AIR 1920 Oudh 70 — Over. AIR 1969 SC 817B (Oct).

Registration Act (16 of 1908)

- S. 17 — AIR 1928 All 726 (FB) — Held no Longer good Law in view of T. P. (Amendment) Supplementary Act 1929 — AIR 1969 SC 1316A (Dec).
- S. 49 — AIR 1928 All 726 (FB) — Held no Longer good Law in view of T. P. (Amendment) Supplementary Act (21 of 1929) — AIR 1969 SC 1316A (Dec).

Representation of the People Act (43 of 1951)

- S. 87 — AIR 1964 All 181 — Diss. AIR 1969 Raj 75B (Mar).

SALES TAX**—Punjab General Sales Tax Act (46 of 1948)**

- S. 2 (d) — (1963) 14 STC 551 (All) — Diss. AIR 1969 Punj 181B (Jun).

Sales Tax — Punjab General Sales Tax Act (contd.)

- S. 4 (5) (b) — (1963) 14 STC 551 (All) — Diss. AIR 1969 Punj 181B (Jun).
- S. 11 (6) — (1963) 14 STC 551 (All) — Diss. AIR 1969 Punj 181B (Jun).
- U. P. Sales Tax Act (15 of 1945)
- S. 9 (1), First Proviso — (1963) 14 STC 518 (All) — Over. AIR 1969 All 200A (FB) (Apr).

STAMP DUTY**—Stamp Act (2 of 1898)**

- S. 35 — AIR 1952 All 996 — Over. AIR 1969 SC 123SA (Dec).
- S. 36 — AIR 1952 All 996 — Over. AIR 1969 SC 123SA (Dec).

TENANCY LAWS**—Oudh Estates Act (1 of 1869)**

- S. 22 (7) — ILR (1964) 2 All 191 — Revers. AIR 1969 SC 135B (Feb).

—U. P. Consolidation of Holdings Act (5 of 1954)

- S. 11 — 1965 RD 12= 1964 All WR (HC) 589 — Over. AIR 1969 All 342A (Jul).
- S. 12 — 1965 RD 12= 1964 All WR (HC) 589 — Over. AIR 1969 All 342A (Jul).
- S. 19 — 1965 RD 12= 1964 All WR (HC) 589 — Over. AIR 1969 All 342A (FB) (Jul).
- S. 20 — 1965 RD 12= 1964 All WR (HC) 589 — Over. AIR 1969 All 342A (FB) (Jul).
- S. 21 — 1965 RD 12= 1964 All WR (HC) 589 — Over. AIR 1969 All 342A (FB) (Jul).
- S. 22 — 1965 RD 12= 1964 All WR (HC) 589 — Over. AIR 1969 All 342A (FB) (Jul).
- S. 23 — 1965 RD 12= 1964 All WR (HC) 589 — Over. AIR 1969 All 342A (FB) (Jul).
- S. 38 — 1965 RD 12= 1964 All WR (HC) 589 — Over. AIR 1969 All 342A (FB) (Jul).
- S. 48 — 1965 RD 12= 1964 All WR (HC) 589 — Over. AIR 1969 All 342A (FB) (Jul).

—U. P. Zamindari Abolition and Land Reforms Act 1950 (1 of 1951)

- S. 18 — 1965 All LJ 552 — Over. AIR 1969 All 626A (FB) (Nov).
- S. 18 — (65) Civil Misc. Writ No. 2286 of 1965 (All) — Over. AIR 1969 All 526A (FB) (Nov).
- S. 20 (b) — AIR 1964 All 49S (FB) — Held impliedly overruled by AIR 1961 SC 143 as interpreted in AIR 1969 All 304A (FB) (Jun).
- S. 332 — (62) C. M. Writ No. 3564 of 1955, D/- 20-4-1962 (All) — Revers. AIR 1969 All 407 (Aug).

Transfer of Property Act (4 of 1882)

- S. 52 — AIR 1943 Oudh 354 (FB) —
Diss. AIR 1969 Orissa 114B (May).
—S. 100 — AIR 1932 All 439 — Diss.
AIR 1969 Cal 406A (Aug).
—S. 100 — AIR 1943 Oudh 354 (FB) —
Diss. AIR 1969 Orissa 114B (May).

Transfer of Property Act (contd.)

- S. 106 — AIR 1950 All 583 — Over.
AIR 1969 All 333B (FB) (Jul).
—S. 111 (g) — (13) ILR 35 All 145 —
Not. F. AIR 1968 Madh Pra 32D (Feb).
—S. 111 (g) — AIR 1953 All 797 — Not
F. AIR 1969 Madh Pra 32D (Feb).

ALLAHABAD CASES OVERRULED, REVERSED AND DISSENTED FROM ETC., IN A. I. R. 1969

DISS.=Dissented from in; NOT F.=Not followed in; OVER.=Overruled in;
REVERS.=Reversed in

- (84) ILR 6 All 173 = 1884 All WN 16, Bawan Das v. Mul Chand. Held no longer good law in view of AIR 1950 SC 188 in AIR 1969 Pat 53D (Feb).
- (84) ILR 6 All 634 = 1884 All WN 210, Janki Das v. East Indian Rly. Co. Held no longer good law in view of AIR 1950 SC 188 in AIR 1969 Pat 53D (Feb).
- (1896) ILR 18 All 478 = 1898 All WN 158 Gunjra Kuer v. Ablakh Pande — Not F. AIR 1969 All 162B (Apr).
- (1910) 7 All LJ 861 = 7 Ind Cas 156 (FB), Zaharia v. Debia — Over. AIR 1969 All 504B, C (FB) (Oct).
- (1910) 7 All LJ 995 = 7 Ind Cas 909, Dakhni Din v. Ali Ashgar — Over. AIR 1969 All 504B, C (FB) (Oct).
- (1911) ILR 33 All 20 = 7 Ind Cas 315, Kachera v. Kharag Singh — Over. AIR 1969 All 484B (FB) (Oct).
- (1913) ILR 35 All 145 = 11 All LJ 115, Prag Narain v. Kadir Bakhsh — Not. F. AIR 1969 Madh Pra 32D (Feb).
- (14) AIR 1914 All 173 = ILR 36 All 446, Mata Prasad v. Ramcharan Sahu — Disapproved. AIR 1969 SC 316A (Apr).
- (20) AIR 1920 All 80 = ILR 40 All 504, Mahomed Yaqub v. Nazir Ahmad — Diss. AIR 1969 Pat 33B (Feb).
- (20) AIR 1920 Oudh 70 = 23 Oudh Cas 96, Secy. of State v. Afzal Hussain — Over. AIR 1969 SC 817B (Oct).
- (24) AIR 1924 All 328 = ILR 46 All 489 (FB), Mubarak Hussain v. Ahmed — Diss. AIR 1969 Andh Pra 355B (Oct).
- (26) AIR 1926 All 403 = 24 All LJ 566 = 27 Cri LJ 945, Bhagwat Singh v. Emperor — Diss. AIR 1969 All 557 (Nov).
- (27) AIR 1927 All 255 = ILR 49 All 391, Mohd. Shafi v. Md. Abdul Aziz — Diss. AIR 1969 Mys 103D (Mar).
- (28) AIR 1928 All 726 = ILR 50 All 986 (FB), Sohan Lal v. Mohan Lal — Held no longer good law in view of T. P. (Amendment) Supplementary Act (21 of 1929). AIR 1969 SC 1316A (Dec).
- (28) AIR 1928 All 765 = ILR 51 All 382 = 29 Cri LJ 938, Emperor v. Prag Datt — Over. AIR 1969 SC 355A (May).
- (29) AIR 1929 All 676 = 1929 All LJ 1028 = 119 IC 833 = ILR 51 All 986, Bhagwan Das v. Zamurad Hussain — Diss. AIR 1969 Raj 31B (Mar).
- (29) AIR 1929 All 769 = ILR 52 All 96, Secy. of State v. Bhagwan Prasad — Diss. AIR 1969 Pat 131 (Apr).
- (32) AIR 1932 All 439 = ILR 54 All 763, Postimal v. Radha Kishan Lalchand — Diss. AIR 1969 Cal 406A (Aug).
- (34) AIR 1934 All 541 = 1934 All ER 712, Badri Das v. Mt. Dhanni — Not. F. AIR 1969 Mad 191G (May).
- (35) AIR 1935 All 129 = ILR 57 All 434, Ghulam Murtaza v. Fasihunnissa Bibi — Held overruled by AIR 1953 SC 225 as interpreted AIR 1969 Raj 192A (FB) (Jul).
- (38) AIR 1938 All 276 = ILR (1938) All 252, Prabhu Lal v. District Board, Agra — Diss. AIR 1969 Bom 373C (Nov).
- (38) AIR 1938 All 471 = 1938 All LJ 625, Makhan Lal v. Baldeo Prasad — Diss. AIR 1969 Mys 73A (Mar).
- (39) AIR 1939 All 230 = ILR (1939) All 258, Ramkumar v. Hiralal — Diss. AIR 1969 Cal 390B (Aug).
- (41) AIR 1941 All 140 = ILR (1941) All 295, Janak Nandini v. Kedar Narain — Diss. AIR 1969 Guj 28 (Jan).
- (41) AIR 1941 All 277 = ILR (1941) All 360, Mohamed Mohtashim v. Joti Prasad — Over. AIR 1969 All 504B, C (FB) (Oct).
- (41) AIR 1941 Oudh 409 = 42 Cri LJ 536, Nasimullah v. Emperor — Diss. AIR: 1969 Cal 161C (Apr).
- (43) AIR 1943 Oudh 17 = ILR 18 Luck. 327, Aliya Begam v. Mohini Bibi — Diss. AIR 1969 Bom 373C (Nov).
- (43) AIR 1943 Oudh 354 = 1943 Oudh. WN 261 (FB), Abdul Gaffar v. Ishtiaq Ali — Diss. AIR 1969 Orissa 114B (May).
- (44) AIR 1944 Oudh 37 = 1943 Oudh WN 368, Sardar Singar Singh v. Sikri Brothers — Diss. AIR 1969 Guj 178C (Jun).
- (46) AIR 1946 Oudh 33 = ILR 20 Luck. 339 (FB), B. Shanker Sahai v. Bhagwat Sahai — Held no longer good law in view of AIR 1966 SC 1332 as interpreted in AIR 1969 All 504C (FB) (Oct).

- (47) AIR 1947 All 188 = 1946 All LJ 385, Maharaja Bahadur Ram Ram Bijay Prasad v. Sarjoo Singh — Over. AIR 1969 All 220 (FB) (May).
- (50) AIR 1950 All 583 = 1951 All LJ 179, Ramanlal v. Bhagwan Das — Over. AIR 1969 All 333B (FB) (July).
- (51) AIR 1951 All 499, Murari Lal v. Chhidda — Over. AIR 1969 All 484B (FB) (Oct).
- (51) AIR 1951 All 845 = 1951 All LJ 607 (FB), Abdul Ghapoor v. Abdul Rahman — Diss. AIR 1969 Mys 141 (Apr).
- (52) AIR 1952 All 506 = 1952 All LJ 696, Mt. Sughra v. Babu — Diss. AIR 1969 Punj 244A (July).
- (52) AIR 1952 All 695 = 1952 R D (HC) 108, Ram Kumar v. Dominion of India — Diss. AIR 1969 Guj 178C (Jun).
- (52) AIR 1952 All 857 = (1952) 22 ITR 104, Bhagwan Radhakisan v. Commr. of I.-T., U. P. — Over. AIR 1969 SC 1068 (Nov).
- (52) AIR 1952 All 873 = 1952 Cri LJ 1556, Jaddu v. State — Diss. AIR 1969 Ker 111E (Apr).
- (52) AIR 1952 All 996 = ILR (1952) 2 All 984, Mst. Bittan Bibi v. Kuntu Lal — Over. AIR 1969 SC 1238A (Dec).
- (52) 1952-1 Lab LJ 524 (LATI at All), Ganesh Flour Mills Co. v. Their Workmen — Diss. AIR 1969 Mad 374B (Oct).
- (53) AIR 1953 All 797, Ramdas v. Shree Ram — Not. F. AIR 1969 Madh Pra 32D (Feb).
- (54) AIR 1954 All 119 = 1953 All LJ 549, Wasiaq Ali Khan v. Nand Kishore — Diss. AIR 1969 Ker 31 (Jan).
- 1955 All LJ 630 = 1955 All WR (HC) 520, Tata Oil Mills Co., Ltd. v. Dist. Board of Allahabad — Over. AIR 1969 All 40A (FB) (Jan).
- (56) AIR 1956 All LJ 649, Ram Sarup v. State — Diss. AIR 1969 All 557 (Nov).
- (57) AIR 1957 All 206 = 1957 All LJ 18, Amarnath v. Union of India — Over. AIR 1969 All 518 (FB) (Nov).
- (57) AIR 1957 All 433, Western U. P. Electric Power and Supply Co. Ltd., Etawah v. Town Area Jaswant Nagar — Over. AIR 1969 All 40A (FB) (Jan).
- (57) 1957 All LJ 648 = 1957 All WR (HC) 683, Murari v. State — Diss. AIR 1969 All 557 (Nov).
- (60) AIR 1960 All 460 = 1960 Cri LJ 1046, Raj Kishan v. State — Diss. AIR 1969 Andh Pra 99C (Mar).
- (60) AIR 1960 All 599 = 1960 Cri LJ 1279, Chokheyilal Moti Ram v. Babulal Behari Lal — Diss. AIR 1969 Assam 81A (July).
- (60) AIR 1960 All 748 = 1960 Cri LJ 1536, Ram Singh v. State — Diss. AIR 1969 Bom 294A (FB) (Sep).
- (60) F. A. F. O. No. 244 of 1959, D/- 19-5-1960 (All), Smt. Kusum Lata v. Jagdish Prasad — Over. AIR 1969 All 601 (Dec).
- (61) AIR 1961 All 1 = 1960 All LJ 967 = 1960 All WR (HC) 667 (FB), Mahmud Hasan Khan v. Motilal Banker — Diss. AIR 1969 Orissa 32 (Feb).
- (61) AIR 1961 All 133 = (1960) 39 ITR 497 (All), Motilal Purshotam Das v. Income Tax Officer, Kanpur — Over. AIR 1969 SC 667A (Aug).
- (1961) All LJ 743 = 1961 All WR (HC) 430, Raghubir Singh v. Town Area Committee — Over. AIR 1969 All 40A (FB) (Jan).
- (62) Observations of Dwivedi, J., in AIR 1962 All 328 = ILR (1962) 1 All 793 (FB), Ram Autar v. State of U. P. — Diss. AIR 1969 Andh Pra 109 (Mar).
- (62) 1962-1 Lab LJ 697 (All), Shree Gopal Paper Mills, Ltd. v. Inspector of Factories, U. P. — Revers. AIR 1969 All 547 (Nov).
- (62) Civil Misc. Writ No. 1870 of 1961, D/- 5-10-1962 (All), Mohammad Tapar v. R. T. Authority Meerut — Over. AIR 1969 All 269B (Jun).
- (62) F. A. No. 205 of 1950, D/- 24-4-1962 (All), — Revers. AIR 1969 SC 674B (Aug).
- (62) C. M. Writ No. 356 of 1958, D/- 20-4-1962 (All) — Revers. AIR 1969 All 407 (Aug).
- (63) AIR 1963 All 256 = (1963) 1 Cri LJ 722, Wahid v. State — Diss. AIR 1968 Manipur 3 (Jan).
- (63) AIR 1963 All 260 = (1963) 1 Cri LJ 724, Abida Khatoun v. State of U. P. — Over. AIR 1969 SC 1234A (Dec).
- (63) AIR 1963 All 340, Basai v. Hasan Raza Khan — Diss. AIR 1969 Raj 31B (Mar).
- (63) AIR 1963 All 556 = ILR (1963) 1 All 983 (FB) State of U. P. through the Collector of Nainital v. Abdul Karim — Diss. AIR 1969 Pat 131 (Apr).
- (63) ILR (1963) 2 All 325, L. Lakshmiapat Singhania v. Commr. of Income Tax — Revers. AIR 1969 SC 501 (Jun).
- (1963) 48 ITR 346 (All) — Revers. AIR 1969 SC 609 (Aug).
- (1963) 14 STC 518 (All), Swastika Tannery of Jajmau v. Commr. of Sales Tax U. P. — Over. AIR 1969 All 200A (FB) (Apr).
- (63) (1963) 14 S T C 581 (All), Dr. Sukh Dev v. Commr. of Sales Tax, Lucknow — Diss. AIR 1969 Punj 181B (Jun).
- (63) S. A. No. 3809 of 1958 D/- 11-12-1963 (All) — Revers. AIR 1969 SC 1234A (Dec).
- (64) AIR 1964 All 7 = 1963 All LJ 296 (FB), Parmeshwar Dayal v. Addl. Commr., Lucknow — Held impliedly Overruled by AIR 1965 SC 1767 as interpreted in AIR 1969 All 474 (FB) (Oct).
- (64) AIR 1964 All 181, Vishwanath Prasad v. Malkhan Singh — Diss. AIR 1969 Raj 75B (Mar).

- (64) AIR 1964 All 199 = 1964 (1) Cri LJ 502, Municipal Board Faizabad v. Lalchand — Diss. AIR 1969 Ker 179 (Jun).
- (64) AIR 1964 All 441, Loon Karan Sethiya v. Ivan E. John — Revers. AIR 1969 SC 73 (Jan).
- (64) AIR 1964 All 457 = (1964) 1 ITJ 226 = 1964 All LJ 217 (FB), Kunji Lal v. I. T. Commr. — Revers. AIR 1969 SC 840A (Oct).
- (64) AIR 1964 All 498 = 1963 All LJ 667 (FB), Ram Dular Singh v. Babu Sukhu Ram — Held impliedly overruled by AIR 1961 SC 143 as interpreted. AIR 1969 All 304A (FB) (Jun).
- (64) ILR (1964) 2 All 191 — Revers. AIR 1969 SC 135B (Feb).
- (64) S. As. Nos. 4940 and 3660 of 1961, D/- 27-4-1964 (All) — Revers. AIR 1969 SC 1316B (Dec).
- (64) W. P. No. 296 of 1963, D/- 7-8-1964 (All), Jugal Kishore Agarwal v. Regional Transport Authority — Over. AIR 1969 All 365A (FB) (July).
- (65) AIR 1965 All 94 = (1964) 2 ITJ 597 = (1965) 55 ITR 501, Jaganath Mahadeo Prasad v. Commr. of I. T. — Revers. AIR 1969 SC 209 (Mar).
- (65) AIR 1965 All 269 = 1964 All LJ 771 = ILR (1964) 2 All 120, Union of India v. Mahomed Usman — Revers. AIR 1969 SC 474 (Jun).
- (65) AIR 1965 All 280, Kusum Lata v. Kampta Prasad — Over. AIR 1969 All 504B (FB) (Oct).
- (65) AIR 1965 All 406, Dr. Prem Biharilal Saxena v. State of Uttar Pradesh — Revers. AIR 1969 All 449 (FB) (Sep).
- (65) AIR 1965 All 586, National Building Material Supply v. Jai Jai Ram Manohar Lal — Revers. AIR 1969 SC 1267A (Dec).
- (65) ILR (1965) 2 All 383, Riazuddin, Tailor v. Balak Singh — Revers. AIR 1969 SC 1270 (Dec).
- (65) 1965 All LJ 582 = ILR (1965) 2 All 445, Mahabir v. Subba Lal — Over. AIR 1969 All 526A (FB) (Nov).
- (65) 1965 All LJ 1137 = ILR (1966) 1 All 196, Mukteshwari Prasad Tewari v. Ram Wali — Over. AIR 1969 All 526C (FB) (Nov).
- (65) 1965 RD 12 = 1964 All WR (HC) 589, Ganga Singh v. Deputy Director of Consolidation — Over. AIR 1969 All 342A (FB) (July).
- (65) Cri Misc. Contempt Case No. 7 of 1965, D/- 3-8-1965 (All) — Revers. AIR 1969 SC 30 (Jan).
- (65) S. A. No. 1271 of 1962, D/- 2-3-1965 (All) — Revers. AIR 1969 SC 1020A (Nov).
- (65) Civil Misc. Writ No. 2286 of 1965 (All), State of U. P. v. Pradeen Sundar Narain — Over. AIR 1969 All 526A (FB) (Nov).
- (66) AIR 1966 All 265 = 1965 All LJ 994, Jai Narain Rai v. Dist. Magistrate Azamgarh — Diss. AIR 1969 Assam 50A (FB) (May).
- (66) W. P. No. 1827 of 1963, D/- 3-3-1966 (All) — Revers. AIR 1969 All 14A, B (Jan).
- (67) AIR 1967 All 148 = 1966 All LJ 891, Subhash Missir v. Thagai Missir — Diss. AIR 1969 Mad 73E (Mar).
- (67) AIR 1967 All 468 = 1967 Cri LJ 1255, Badri Prasad v. Kripa Shanker — Held no longer good law in view of AIR 1964 SC 1541 as Interpreted. AIR 1969 Ker 97 (Apr).
- (67) Civil Misc. Writ No. 70 of 1967, D/- 10-3-1967 (All), Satya Prakash v. State of U. P. — Over. AIR 1969 All 269B (Jun).
- (67) S. A. No. 322 of 1964, D/- 27-3-1967, (All) — Revers. AIR 1969 SC 556 (July).
- (68) 1968-1 ITJ 662 (All), Modi Spinning and Weaving Mills Co. Ltd. v. Income Tax Officer, Meerut — Revers. AIR 1969 SC 944 (Nov).
- (69) AIR 1969 All 230 = 1969 Lab IC 521, Chandra Mohan v. State of U. P. — Revers. AIR 1969 All 594C (FB) (Dec).

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Owing to late receipt of other Journals the following *supplement* to comparative tables of A. I. R. = Other Journals is issued.

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360 " " "	112
384 " " "	441
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396 " " "	436
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421 1970 All	180
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475 1969 " "	297
543 1970 All	190
550 " " "	146
556 " " "	130
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635 1969 SC	683
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657 1970 All	51
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649 " " "	216
668 " " "	333
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All W R (HC)	AIR
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461 " " "	191
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240 " All	403
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285 1970 " "	130
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314 " " "	122
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(1969) 18 Fac L R

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82 1969 Mad	440
87 " Cal	461
100 1968 SO	1495
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125 1969 SO	180
128 1968 Cal	278
144 1969 Mad	407
146 " " "	273
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159 " SO	235
164 " " "	306
172 " " "	360
189 " " "	182
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201 " " "	1029
212 " Mad	477
215 1970 Lab	
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269 " " "	328
280 " Punj	66
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293 1970 Lab	
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ANDHRA PRADESH SECTION

WITH COMPARATIVE TABLES FOR

- (1) I. L. R. ANDHRA PRADESH (2) ANDHRA LAW TIMES
(3) ANDHRA WEEKLY REPORTER

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ANDHRA PRADESH HIGH COURT

1969

CHIEF JUSTICES :

The Hon'ble Mr. Justice P. Jaganmohan Reddy, B.COM. (Leeds), B.A., LL.B. (Cantab),
Bar-at-law, up to 6-6-69, 7-7-69 to 31-7-69.
" " N. Kumarayya Ayyar, B.A., LL.B., H.C.S. From 7-6-69 to 6-7-69.
Acting C. J. FROM 1-8-69.

PUISNE JUDGES :

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31-7-69

" " H. Anantanarayana Ayyar, I.C.S. up to 23-11-1969
" " K. Venkata Lakshmi Narasimham, B.A., B.L.
" " Sharfuddin Ahmad, B. SC., H.C.S.
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" " M. Krishna Rao, B.A., B.L.
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" " A. Sambasiva Rao, B.A., B.L.
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" " A. D. V. Reddy, M.A., B.L., Bar-at-law, From 27-9-69
" " Y. Venkateswara Rao, B.A., B.L. From 24-11-69.

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" " Y. Venkateswara Rao, B.A., B.L. upto 24-11-69
" " M. Ramchandra Raju, B.A. (HONS.) B.L., From 7-7-69
" " P. Sriramulu, B. SC. B.L. From 23-10-69

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(Jan) 10

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(Jul) 231B

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(Jan) 10

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(Feb) 55B (FB)

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—S. 25 (2), (3) — Non-statement of claim pursuant to notice under S. 6—No evidence to explain reason for omission — S. 25 (2) attracted — Court not entitled to enhance award under S. 25 (3)—See Land Acquisition Act (1894), S. 9

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(Feb) 55B (FB)

—S. 34—Cross-objections for interest payable under—No court-fee payable on them. AIR 1964 Andh Pra 216, Overruled — See Court Fees and Suits Valuations — Andhra Pradesh Court Fees and Suits Valuation Act (1956), S. 48

(Feb) 55A (FB)

—S. 34—Interest claimable under S. 34 is not part of compensation under S. 23 — See Land Acquisition Act (1894), S. 23

(Feb) 55B (FB)

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(Oct) 381

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(Mar) 92B

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(Oct) 371B

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Diss.=Dissented from in; Not. F.=Not Followed in; Over.=Overruled
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- (’67) W. P. No. 754 of 1966, D/- 8-9-1967 (A. P.) — Revers. AIR 1969 Andh Pra 328A, D (Sep).

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BOMBAY HIGH COURT

1969

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" " N. A. Mody, B.A., LL.B. (A. C. J. from 9-11-69)

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The Hon'ble Mr. Justice G. N. Vaidya, M.A., LL.B.

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DISS.=Dissented from in; NOT F.=Not followed in; OVER.=Overruled in;
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- S. 5 — AIR 1927 Bom 643 — Diss.
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- S. 2 (6A) — ('49) I. T. Ref. No. 16 of 1948, D/- 23-9-1949 (Bom) — Over. AIR 1969 SC 840 A (Oct).
—S. 2 (11) (as it stood before its amendment by Finance Act of 1955) — ('63) 49 ITR 369 (Bom) — Partly Revers. AIR 1969 SC 292 (Apr).
—S. 4 — ('49) I. T. Ref. No. 16 of 1948, D/- 23-3-1949 (Bom) — Over. AIR 1969 SC 840A (Oct).
—S. 10 (1) — ('49) I. T. Ref. No. 16 of 1948, D/- 23-3-1949 (Bom) — Over. AIR 1969 SC 840A (Oct).
—S. 10 (2) — AIR 1956 Bom 415 — Over. AIR 1969 SC 812A (Sep).
—S. 10 (2) — AIR-1959 Bom 150 — Over. AIR 1969 SC 812A (Sep).
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— S. 46 — ('67) Spl. Civil Appln. Nos. 575
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 — S. 48 — ('67) Spl. Civil Appln. Nos. 575
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— S. 17 — AIR 1917 Bom 203 — Held
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— S. 91 — ILR 20 Bom 549 — Diss. AIR
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BOMBAY CASES OVERRULED, REVERSED, AND DISSENTED FROM ETC. IN AIR 1969

DISS.=Dissented from in; NOT F.=Not followed in; OVER.=Overruled in;
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- (1896) ILR 20 Bom 549, Nagaya v. Baji Babaji Moholkar — Diss. AIR 1969 Ker 73 (Mar).
- (1940) 6 Bom LR 638, Jayasingh v. Gopal — Diss. AIR 1969 Mad 426 (Nov).
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- ('22) AIR 1922 Bom 405 = 24 Bom LR 779, Bai Tara v. Mohanlal Lallubhai — Diss. AIR 1969 Mad 365A (Sep).
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- ('27) AIR 1927 Bom 643 = ILR 52 Bom 61 Gangaram Tilockchand v. Chief Controlling Rev. Authority — Diss. AIR 1969 All 484A (Oct) (FB).
- ('36) AIR 1936 Bom 285 = 38 Bom LR 577, Shriram Surajmal v. Shriram Jhunjhunwala — Diss. AIR 1969 Punj 329 (Sep).
- ('38) AIR 1938 Bom 470 = 40 Bom LR 972, Vinayak Shreedhar Kulkarni v. Chintaman Waman Kulkarni — Diss. AIR 1969 Punj 329 (Sep).
- ('40) AIR 1940 Bom 121 = 42 Bom LR 143 (FB), Ramrao Bhagwantrao v. Babu Appanna — Diss. AIR 1969 Mys 141 (Apr).
- ('41) AIR 1941 Bom 103 = ILR (1941) Bom 455, Saraswati Bai v. Sripad — Diss. AIR 1969 Mad 365A (Sep).
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- (1946) 14 ITR 272 (Bom), Vissonji Sons and Co. v. Commr. of I. T. Central — Diss. AIR 1969 Punj 8 (Jan).
- ('48) AIR 1948 Bom 357 = 49 Cri LJ 515, Emperor v. Pioneer Clay and Industrial Work Ltd., — Held no longer good law in view of AIR 1961 SC 186 as interpreted. AIR 1969 Orissa 234 (Sep).
- ('49) AIR 1949 Bom 36 = 49 Cri LJ 630, Ranchhoddas v. Emperor — Diss. AIR 1969 Delhi 235A (Aug).

- (49) I. T. Ref. No. 16 of 1948, D/- 23-3-1949 (Bom), Commr. of I. T. Central Bombay v. Maniklal Chunnilal & Sons Ltd., Bombay — Over. AIR 1969 SC 840A (Oct).
- (51) AIR 1951 Bom 125 = 53 Bom LR 398 (FB), Bhagwan Shankar v. Rajaram Bapu Vithal — Held impliedly overruled by AIR 1962 SC 1737 as interpreted AIR 1969 Guj 23 (Jan).
- (51) AIR 1951 Bom 190 = ILR 1950 Bom 640, Chunnilal Kasturchand v. Dundappa Damappa — Held impliedly overruled by AIR 1962 SC 1737 as interpreted. AIR 1969 Guj 23 (Jan).
- (52) O. S. Suit No. 2704 of 1948, D/- 29-9-1952 (Bom) — Over. AIR 1969 Bom 13A (Jan).
- (54) AIR 1954 Bom 219 = (1953) 25 ITR 37, Saifuddin Ali Mohamed v. Commr. of I. Tax — Over. AIR 1969 SC 888B (Oct).
- (55) AIR 1955 Bom 182 = ILR 1955 Bom 42 = 56 Bom LR 994, Babulal Chaganlal v. Chopda Electric Supply Co. Ltd. — Held overruled by AIR 1964 SC 1598 as interpreted. AIR 1969 Guj 40 (Feb).
- (56) AIR 1956 Bom 415 = (1955) 28 ITR 928, Commr. of I. Tax v. Sir Homi Mehta's Executor's — Over. AIR 1969 SC 812A (Sep).
- (57) AIR 1957 Bom 246 = 59 Bom LR 569, Nanik Dharamdas Vazirani v. Maharaja Sayajirao University, Board — Held not good law in view of AIR 1962 SC 1110 as interpreted. AIR 1969 Madh Pra 234A (Nov).
- (1957) 59 Bom LR 610, Jankibai Abaji v. Bhikaji Raghunath — Over. AIR 1969 Bom 74A (Feb).
- (58) AIR 1958 Bom 8 = ILR (1958) Bom 765, Harilal Bhagwanji v. Shastri Hamshankar Umashankar — Diss. AIR 1969 Guj 169 (Jun).
- (59) AIR 1959 Bom 98 = 1958 Nag LJ 392, Trilokchand v. Ganpatdas — Diss. AIR 1969 Madh Pra 130A (Jul).
- (59) AIR 1959 Bom 150 = 34 ITR 336, Rogeis and Co. v. Commr. of I. T. — Over. AIR 1969 SC 812A (Sep).
- (59) AIR 1959 Bom 437 = 1959 Cri LJ 1153, State v. Shanker — Diss. AIR 1969 Ker 111E (Apr).
- (60) AIR 1960 Bom 315 = ILR (1960) Bom 164, Prithvi Raj Singhji Mansinghji v. Bai Shiv Prabhakumari — Diss. AIR 1969 All 601 (Dec).
- (1960) 2 Lab LJ 99 (Bom), Jerry Sabastian v. Badshah — Diss. AIR 1969 Andh Pra 200 (Jun).
- (63) Observations in AIR 1963 Bom 189 = ILR (1963) Bom 594, Savatram Ramprasad Mills Co. Ltd., Akola v. Baliram Ukandaji — Held overruled by AIR 1964 SC 743 as interpreted. AIR 1969 Punj 310B (Sep).
- (1963) 49 ITR 369 (Bom), Shree Goverdhan Ltd. v. Commr. of I. T. — Partly Revers. AIR 1969 SC 292 (Apr).
- (64) AIR 1964 Bom 147 = (1964) 1 Cri LJ 652, Malbar Hill Co-operative Housing Society Ltd., Bom. v. K. L. Gauba — Held not overruled by AIR 1967 SC 1494 as interpreted. AIR 1969 SC 724A (Aug).
- (65) I. T. No. 347 of 1964, D/- 30-6-1965 (Bom) — Revers. AIR 1969 SC 276 (Apr).
- (66) AIR 1966 Bom 174 = 67 Bom LR 864, Ankush v. Janabai — Diss. AIR 1969 Mad 73E (Mar).
- (66) AIR 1966 Bom 179 = 1968 Bom LR 236 = 1966 Cri LJ 875, State of Maharashtra v. Gourishankar Kawadu — Over. AIR 1969 Bom 294A (Sep) (FB).
- (66) Income-tax Ref. No. 73 of 1962, D/- 2-3-1966 (Bom) — Revers. AIR 1969 SC 460 (Jun).
- (1967) 64 ITR 637 = ILR (1968) Bom 33, Shakti Offset Works v. Inspecting Assistant Commr. of Income-tax — Diss. AIR 1969 Madh Pra 220A (Oct).
- (67) Spl. Civil Appln. Nos. 575 to 596, 634, 540 and 570 to 572 of 1967, D/- 20-10-1967 (Bom) — Revers. AIR 1969 SC 329A, B, D, F (Apr).
- (68) AIR 1968 Bom 127 = 1968 Cri LJ 453, Palaniswami v. State — Over. AIR 1969 Bom 294A (Sep) (FB).
- (68) 70 Bom LR 104 = 2 Lab LJ 505, Manager M/s. P. K. Porwal v. Labour Court, Nagpur — Over. AIR 1969 SC 1335C (Dec).

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- (39) AIR 1939 Nag 191 = 1939 Nag LJ
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Owing to late receipt of other Journals the following *supplement* to comparative tables of A. I. R. = Other Journals is issued.

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CALCUTTA SECTION

WITH COMPARATIVE TABLES FOR

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CALCUTTA HIGH COURT

1969

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PUISNE JUDGES :

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- " " Amiya Kumar Mookerji (Addl.) (30-5-1969).
- " " Murari Mohan Dutt (Addl.) (18-9-1969).

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—**S. 433**—Winding up on just and equitable grounds—Held, on facts, that respondent's application for winding up was not motivated by desire to do justice to company or to see that justice was done to shareholders but by private reasons, that is, to injure directors for acts of omission and commission in which respondent himself participated or acquiesced—That, in the circumstances respondent should not be permitted to proceed with the hearing of the application and stay of winding up must be granted : Order of Datta, J., D/- 23-4-1968 (Cal), Reversed (July) 363B

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—*Art. 226* — Executive power of Union vested in President — Power exercised through other officers must comply with provisions of Art. 77 (2) and (3)—See Constitution of India, Art. 53 (Apr) 180D

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—*Arts. 226, 77 and 309, Proviso* — Home Ministry's Resolution dated 17th October 1957, has no statutory force—It is not a rule either under S. 3 of All India Services Act or under Art. 77 or Proviso to Art. 309 — Claim to hold the post of a Secretary to Central Government under the above resolution held could not be enforced by Court (Apr) 180E

—*Art. 226*—Discretion of Governor to appoint Chief Minister—Cannot be questioned in writ proceedings — See Constitution of India, Art. 164 (1) (Apr) 198A

—*Art. 226* — Governor's powers to withdraw pleasure during which Ministers hold office—Exercise of power not questionable in writ—See Constitution of India, Art. 164 (1) and (2) (Apr) 198B

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—*Art. 226*—Natural justice — Opportunity to produce relevant evidence — See Defence of India Act (1962), S. 30, Proviso (June) 286

—*Art. 226* — Negation of fair trial — Absence of defence lawyer—See Criminal P. C. (1898), S. 340 (July) 321C

—*Art. 226* — Panchayats — West Bengal Panchayat Act (1 of 1957), S. 27 — Election of office bearers of Anchal Panchayat challenged in application for writ — Proper remedy is under R. 30 of W. B. Panchayat Rules (1958) — Writs when and against whom can be issued, explained (Aug) 386A

—*Art. 226* — Scope — Controversial questions of fact — Whether a person is a Pakistani subject and unable to stand for election or to vote or, if he has become an Indian subject are complicated and controversial issues of facts—Such disputed questions of facts cannot be gone into during exercise of discretionary power under Art. 226 (Aug) 386B

—*Art. 226*—Existence of alternative statutory remedy does not constitute a bar to jurisdiction of High Court (Aug) 397E

—*Art. 226*—Notice to show cause against proposed action — Opportunity to be real and reasonable — See Constitution of India, Art. 311 (2) (Aug) 397C

—*Art. 226*—No rules of enquiry or for dismissal laid down in Bengal Primary Education Act (4 of 1919) and rules thereunder — Rules of natural justice should be followed

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—See Civil Services — Bengal Primary Education Act (4 of 1919), S. 66 (2) (P).

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—Art. 226 — Motor Vehicles Act (1939), Ss. 75, 76 — Bengal Motor Vehicles Rules (1940), R. 101—Shifting of Bus stand from existing site — Petitioner surrendering to jurisdiction of District Magistrate—In spite of several adjournments on his request petitioner failing to avail himself of opportunities to press the point on question of propriety of shifting Bus stand—Petitioner cannot be allowed to raise question of jurisdiction of D. M. by invoking Art. 226

(Sep) 458A

—Art. 226 — Absence of jurisdiction—Where statute is vague and on reasonable interpretation its breach would constitute no offence, that becomes ground of absence of jurisdiction for issue of prohibition or certiorari against inferior Courts

(Oct) 474C

—Art. 226—Natural justice—Both sides to a case should be given opportunity of being heard—See Criminal P. C. (5 of 1898), S. 340

(Oct) 492A

—Art. 226 — Council of Scientific and Industrial Research — Neither a public body nor part of Government — No writ can be issued against the same—See Constitution of India, Art. 309

(Nov) 525A

—Art. 226—New ground not allowed to be raised in writ appeal

(Nov) 525C

—Art. 226 — Violation of Fundamental Rules framed under Art. 309, is justiciable—See Constitution of India, Art. 309

(Nov) 525D

—Art. 226 — Adequacy and correctness of reasons prompting action under the provisions of Ss. 17 (3) and 22 (1), Arms Act (1959) could not be gone into in writ jurisdiction — See Arms Act (1878), S. 22 (1)

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—Art. 226—Parties—Petition challenging order of Government revising list of candidates for promotion — Petition without impleading other employees who would be affected if the list is disturbed is not maintainable

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—Art. 227—Land Acquisition Act (1894), S. 18—Collector acting under S. 18 of L. A. Act satisfies test of Tribunal for purposes of Art. 227 of Constitution

(May) 221A

—Art. 227 — New plea—Plea of and non-joinder of necessary party taken vaguely in trial Court, allowed to be taken in Art. 227 proceedings — See Civil P. C. (1908), O. 1, R. 13

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—Art. 227 — Court not an appellate Court —No interference called for—See Civil P. C. (1908), O. 1, R. 13

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—Art. 298 (as amended by Constitution 7th Amendment Act, 1956) — Commercial function of Government is not converted into Governmental function — See Constitution of India, Art. 311 (2)

(Feb) 95A

—Art. 301 — Petitioner failing to carry out his obligation under licence issued under Imports (Control) Order (1955) — Government suspending only non-statutory business dealings with petitioner — Held, Art. 301 was not applicable — See Constitution of India, Art. 14

(Jan) 18A

—Art. 301 — Violation of terms of licence by a licensee under Imports (Control) Order (1955)—Government cannot take any measure apart from provisions of statute — Any action taken to deny licensee any rights or privileges in respect of other business is *ultra vires* — See Constitution of India, Art. 19 (1) (g)

(Jan) 18C

—Art. 301—West Bengal Rice and Paddy Control Order (1966), Para. 5 (c), Proviso, restricting trade is unconstitutional for vagueness — See Constitution of India, Art. 19 (1) (f)

(Oct) 474D

—Art. 301 — West Bengal Rice and Paddy Control Order (1966), Para. 5 (c), Proviso, restricting trade is unconstitutional for vagueness — See Constitution of India, Art. 19 (1) (f)

(Oct) 474D

—Art. 309 — Who can file writ petition—Recognised Association cannot apply under Art. 226 on behalf of its members — See Constitution of India, Art. 226 (March) 149A

(April) 180F

—Arts. 309, 311 and 226—Council of Scientific and Industrial Research — Neither a public body nor part of Government — Art. 311 has no application—Grants in aid from Government, no criterion — Adoption of Fundamental Rules by choice does not convert the body into a public one

(Nov) 525A

—Arts. 309 and 226 — Fundamental Rules framed under Art. 309 are statutory rules — Violation of, is justiciable

(Nov) 525D

—Art. 311 — Service under contract — Clause in contract providing for removal without notice for inefficiency, negligence etc. — Removal for misappropriation and tampering of record — Art. 311 (2) comes into operation as clause does not cover the case — See Constitution of India, Art. 226

(April) 164B

—Art. 311 — Infringement of Art. 311 (2) gives cause of action to individual even though his employment might have terminated otherwise on the date of petition—See Constitution of India, Art. 226 (April) 164D

(April) 164D

Constitution of India (contd.)

—*Art. 311* — Reduction in rank — All India Services. (Discipline and Appeal) Rules (1955), R. 3 (4)—Government servant officiating in higher post — Reversion to lower post for administrative reasons or unsuitability — Not a reduction in rank

(April) 180H

—*Art. 311* — 'Reduction in rank' — Principles to determine — Government servant officiating in a post — Reversion to substantive post if and when amounts to reduction in rank — Probationer or temporary servant — Termination of service — When amounts to punishment attracting *Art. 311 (2)* — Principles equally apply to a post held on deputation until further orders

(April) 180I

—*Art. 311* — Dismissal under Bengal Primary Education Act (4 of 1919)—No rules for enquiry or dismissal under Act or rules thereunder—Rules of natural justice should be followed — See Civil Services — Bengal Primary Education Act (4 of 1919), S. 66 (2)

(P) (Aug) 397D

—*Art. 311* — Disciplinary proceedings against petitioner a primary teacher who was on hunger strike — Reasonable opportunity to show cause—Charge-sheet containing 16 charges — Served on petitioner while still on hunger strike — Petitioner growing weak — Inspector's *ex parte* report on which charges were framed not supplied—Charge-sheet allowing only three days to show cause — Petitioner not having even piece of paper to make defence — No opportunity to study relevant documents—Time allowed to show cause held not sufficient — No reasonable opportunity held given to show cause — (Civil Services—Bengal Primary Education Act (4 of 1919), S. 66 (2) (p), — Rules under R. 12)

(Aug) 397F

—*Art. 311* — Suspension of delinquent in consequence of pending criminal case against him — Discharge of delinquent in criminal case — Delinquent is deemed to have been reinstated and is entitled to recover full salary and allowances — Initiation or continuance of departmental proceedings on same allegations cannot revive old order of suspension — Fresh order of suspension necessary unless statutory rules provide for automatic revival of old order of suspension

(Sep) 461

—*Art. 311* — Council of Scientific and Industrial Research—Neither a public body nor part of Government—*Art. 311* not applicable — See Constitution of India, Art. 309

(Nov) 525A

—*Art. 311 and Fundamental Rule 113* — Reversion from officiating to substantive post — Petitioner cannot complain — On facts,

Constitution of India (contd.) To be considered held, there was no violation of Fundamental Rule 113, also : 1968 Lab I C 320 (Cal), **Reversed** (Nov) 525B

—*Arts. 311 (2), 12, 298, 72 and 102 and Sch. 7, List 1, Entries 43 and 44* — Employees of Durgapur Steel Plant, appertaining to Hindustan Steel Ltd., a non-statutory company registered under Companies Act, do not hold civil post under Government of the Union—Tests to see whether employee holds Civil post under Government indicated

(Feb) 95A

—*Arts. 311 (2), 226, 132*—Not applicable to enforce contract of service with Govt. which is still subsisting — Whatever the grievance of the employee he must seek his remedy under general law and not under *Art. 226* in the absence of any statutory right or liability even where the contract is with the Government. (The question though of public importance was not one which came within terms of *Art. 132* — Leave refused)

(Feb) 95B

—*Arts. 311 (2), 132*—Employee of Durgapur Steel Plants does not hold civil post under Union—Question already decided by Supreme Court—Held no more substantial question of law—Certificate for leave to appeal to Supreme Court refused — See Constitution of India, *Art. 132*

(Feb) 95C

—*Art. 311 (2)*—Dismissal of civil servant on serious charges—Delay in filing writ—Condonation of delay—See Constitution of India, *Art. 216*

(Apr) 164C

—*Art. 311 (2)* — Procedure contemplated by cl. (2) — Compliance of waiver

(Apr) 180G

—*Art. 311 (2)*—Order of dismissal cannot have effect from any date prior to that on which it is communicated to delinquent Government servant

(Aug) 397A

—*Arts. 311 (2), 226* — Reasonableness of opportunity to show cause against action proposed — Factors to be taken into consideration by Court

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—*Art. 314*—Member of Indian Civil Service allotted to Assam on deputation to Central Government—Rights and conditions of service as respects remuneration, leave and pension are governed by *Art. 314*

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—*Arts. 326, 173* — Scope — Distinction should be made between disqualification under Constitution and disqualification under any other Act — Residence is not a qualification prescribed under *Art. 326*—It cannot, therefore, be tried by Court trying election petition under S. 100 (1) (d) (iv) of Representation of the People Act (1951)

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—Art. 335 — Efficiency of administration cannot be impaired by reservation or special provision—See Constitution of India, Art. 16 (4) (Dec) 576A

—Sch. 7, List 1, Entry 43 — Government company cannot be identified with State—See Constitution of India, Art. 311 (2) (Feb) 95A

—Sch. 7, List 1, Entry 44 — Government company cannot be identified with State—See Constitution of India, Art. 311 (2) (Feb) 95A

Contempt of Courts Act (32 of 1952), Ss. 1, 4

—Appeal against conviction by accused dismissed by High Court and accused directed to surrender to bail — Additional District Magistrates not carrying out order—Time allowed to accused which was in contravention of Rule 43 (5) of the Criminal Rules and Orders — Additional District Magistrates member of Indian Administrative service inexperienced in Court procedure and relying on Bench Clerk—Held, that the Additional District Magistrates were guilty of contempt of Court but in the circumstances High Court would accept apology tendered by them — Laxity in judicial administration in the District deplored (Dec) 602

—Ss. 2 and 3 — Scandalizing the Court — Right of press to criticise—(Constitution of India, Arts. 19, 215) — (Penal Code (1860), S. 228)—(Criminal P. C. (1898), S. 480) (Jan) 1A (SB)

—S. 3—In the garb of criticism the press cannot commit contempt of Court — See Contempt of Courts Act (1952), S. 2 (Jan) 1A (SB)

—S. 3—Apology — Principles — See Contempt of Courts Act (1952), S. 4 (Jan) 1B (SB)

—Ss. 4 and 3 — Apology — Principles—It only minimises the gravity of the offence and does not wholly absolve the contemner of his guilt (Jan) 1B (SB)

—S. 4 — Additional District Magistrates not carrying out order of High Court—Tender of apology—See Contempt of Courts Act (1952), S. 1 (Dec) 602

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—Doctrine of privity of contract—Scope — Contract for purchase of goods entered with company—Company in turn contracting with firm for supply of such goods — Transaction between company and firm only in aid and for benefit of purchaser — All moneys for goods paid only by purchaser through company — No intention for purchaser to pass property in money to firm until delivery of goods—Goods not supplied

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— No privity of contract or trust exists between purchaser and firm — Yet firm bound to return money to purchaser for 'prevention of unjust enrichment' (Oct) 496C

—S. 10 — Contract—'A' contracting with 'B' for purchase of goods from 'B'—'B' independently arranging with 'C' for supply—There is no contract between 'A' and 'C' for want of privity — See Contract Act (9 of 1872), S. 2 (d) (Oct) 496C

—S. 15 — Coercion — There must be a threat to commit an act forbidden by Penal Code — Threat to commit suicide is also coercion—See Special Marriage Act (1954), S. 25 (iii) (June) 293A

—S. 16 — Gift by person to his counsel's wife—Validity—See T.P. Act (1882), S. 122 (Feb) 111

—S. 23 — Mortgage by deposit of title deeds—Mortgage in contravention of R. 94A (2) of Defence of India Rules, 1939—Transaction is illegal and mortgagee cannot recover money from mortgagor — See Defence of India Rules (1939), R. 94A, sub-rr. (2), (7), (10) (Dec) 573D

—S. 43 — Joint judgment-debtor making payment — Limitation saved for all — See Limitation Act (1908), S. 20 (Aug) 390B

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—S. 69 — Reimbursement — Purchaser contracting with company for purchase of goods — Company arranging with another firm for supply—Failure of firm to supply goods—Money passed to firm through company—Firm bound to return money to purchaser—See Contract Act (9 of 1872), S. 2 (d) (Oct) 496C

—S. 70 — Purchaser contracting with Company for purchase of goods — Company independently contracting with another firm for supply — Purchaser making payments through Company—Goods not supplied by firm—Firm bound to return money to purchaser—See Contract Act (9 of 1872), S. 2 (d) (Oct) 496C

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firm dealing in such goods—Contracts independent, distinct and different in terms, time and price—No direct contract or correspondence between firm and purchaser—Transaction between company and firm only in aid and benefit of purchaser—All payments for goods made only by purchaser through company—Contracts are not one composite contract—Company is not agent but only middleman (Oct) 496A

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—*S. 4 (1) (t)*—Public prosecutor—“Engaging” lawyer for state—Lawyer, if public prosecutor—*See* Criminal P. C. (1898), S. 492 (2) (July) 321A

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—*S. 10(2)*—Appointment of Public Prosecutor—“Engaging lawyer” for State, if appointment—*See* Criminal P. C. (1898), S. 492 (2) (July) 321A

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—*S. 83*—Removal of seized article to Court issuing search warrant—*See* Criminal P. C. (1898), S. 99 (July) 340B

—*Ss. 83, 537*—Issuing Court putting the name of executing Court in the form of search warrant—Mere technical irregularity—Warrant (July) 340C

—*S. 84*—Court receiving search warrant for execution—Not required to decide its legality—*See* Criminal P. C. (1898), S. 83 (July) 340A

—*Ss. 90, 492, 270, 286*—Issue of summons to material witnesses—Investigating officer reporting that witness could not be found—Held, that it was duty of prosecution to pray for a warrant and proclamation for compelling production of witness and that the Public Prosecutor failed in discharging his legal function (July) 321J

—*Ss. 99, 83, 101*—Removal of seized articles to Court issuing search warrant—Within discretionary power of the Court executing search warrant—Refusal to send certain articles not sufficiently identified—Valid (July) 340B

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—*S. 103*—Search under S. 132, Income-tax Act (1961)—Provisions of S. 103 to be followed—*See* Income-tax Act (1961), S. 132 (1) (c) (v) (Sep) 431E

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—*S. 154*—Cooking up story—Nothing is more reprehensible than to cook up a story for recording an F. I. R., and attempt to improve the cooking of the story at the trial stage in any case—It is more so when it is done to foist a charge of murder (July) 321L

—*S. 161*—Magistrate taking cognisance of offence on police challan—Supplementary charge-sheet against additional accused who were examined as witnesses in previous challan—De novo trial against all accused ordered by Magistrate—Procedure illegal—*See* Criminal P. C. (1898), Chap. 18 (June) 316C

—*S. 172 (2)*—Police diary—Use of, by Court (Sep) 451D

—*S. 173*—Cognisance taken on police challan under the section—No further in-

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—S. 173 — Magistrate taking cognisance of offence on police challan—Supplementary challan against accused who were examined as witnesses in previous challan submitted by the police—Magistrate thereupon ordered de novo trial against all—Procedure illegal—*See* Criminal P. C. (1898), Chap. 18

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—S. 173 — Prosecution of accused under Official Secrets Act — Accused cannot claim copies of documents referred to in S. 173 as of right — *See* Official Secrets Act (1923), S. 3

(Nov) 535

—S. 173(4)—Institution of case for offences under Railway Property (Unlawful Possession) Act — It is on complaint and compliance with S. 173 (4) not necessary — *See* Railway Property (Unlawful Possession) Act (29 of 1966), S. 3

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—S. 178 (2) — Ss. 251-A, 178 (2) and 540 co-exist supplementing one another—Neither S. 178 (2) nor S. 540 is controlled by S. 251-A — *See* Criminal P. C. (1898), S. 251-A (2)

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(Oct) 481A

—S. 190 (1) (a) (b) — Prosecution of accused under Official Secrets Act — Magistrate takes cognisance of offence thereunder only under S. 190 (1) (a) and not under 190 (1) (b)—*See* Official Secrets Act (1923), S. 3

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—Ss. 190 (1) (b) and 173—Magistrate taking cognizance under S. 190 (1) (b) on police challan under S. 173—No further investigation by notice thereafter is legal

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—S. 195 (2) — “Competent authority” under Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951, is not “Court” within meaning of S. 195 (2) (April) 161A

—S. 196-A—Sanction to prosecute—Sanction given by authority in whose time prosecution was launched and not by him in whose time offence took place — Sanction valid—*See* Criminal P. C. (1898), S. 197

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—Ss. 197, 196-A—Prosecution of members of Railway Protection Police under Ss. 120B/420 and under Ss. 467/471 read with S. 34, Penal Code — Accused persons removable from service by Commandant of R. P. P. — Sanction under S. 197 or under S. 196-A, Criminal P. C. is not necessary — Contention that sanction to prosecute is defective inasmuch as it is given by officer during whose time prosecution is launched and not by officer during whose time alleged offences are committed, is misconceived

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— *S. 3* — Loss of earning capacity — Determination — Value of medical evidence — *See* Workmen’s Compensation Act (1923), S. 2 (1) (g) (Aug) 378B

CALCUTTA CASES SUBJECTWISE OVERRULED, REVERSED AND DISSENTED FROM, ETC. IN AIR 1969

Diss. = Dissented from in; Not F. = Not followed in; Over. = Overruled in;
Revers. = Reversed in.

Arbitration Act (10 of 1940)

—Sch. 1, Para. 3 read with S. 3—AIR 1951 Cal 78—Diss. AIR 1969 Cal 167A (Mar).

Banking Companies Act (10 of 1949)

—S. 45B — AIR 1962 Cal 86 — Over. AIR 1969 Cal 158 (Mar).

Civil Procedure Code (5 of 1908)

—S. 11 — AIR 1923 Cal 496 — Diss. AIR 1969 All 504C (FB) (Oct).

—S. 20 — AIR 1931 Cal 659—Not F. AIR 1969 Cal 224A (May).

—O. 21, R. 32 (5) — AIR 1919 Cal 674 — Held no longer good law. AIR 1969 Andh Pra 92D (Mar).

—O. 21, R. 98 — AIR 1960 Cal 580 — Diss. AIR 1969 Mad 166 (May).

—O. 21, R. 103—AIR 1960 Cal 580—Diss. AIR 1969 Mad 166 (May).

—O. 22, R. 4 (3) and (4) (Mad) — (1955) 59 Cal W N 304 — Diss. AIR 1969 Mad 309A (Aug).

CIVIL SERVICES

—Fundamental Rules

—R. 113—1968 Lab I C 320 (Cal)—Revers. AIR 1969 Cal 525B (Nov).

Citizenship Act (57 of 1955)

—S. 9 (2)—AIR 1964 Cal 340—Held overruled by F. M. A. No. 30 of 1963 (Cal) as interpreted — AIR 1969 Cal 386D (Aug).

Companies Act (1 of 1956)

—S. 433 — Order of Datta J., D/- 23-4-1968 (Cal)—Revers. AIR 1969 Cal 363B (July).

—S. 483 — (1966) 70 Cal W N 516—Held not good law in view of AIR 1965 S C

Companies Act (1956) (contd.)

507 as interpreted. A I R 1969 Cal 363A (July).

Companies (Court) Rules (1959)

—Rr. 301 to 304 — (1962) 66 Cal W N 566 —Diss. AIR 1969 Pat 188A,B (June).

Constitution of India

—Art. 133 (1) (c) — AIR 1963 Cal 281 — Impliedly overruled. AIR 1969 Cal 253C (May).

—Art. 226 — AIR 1968 Cal 206—Held no longer good law in view of 1969 S C (Notes) 208. AIR 1969 Punj 391B (Nov).

—Art. 311 — AIR 1968 Cal 206—Held no longer good law in view of 1969 S C (Notes) 208. AIR 1969 Punj 391B (Nov).

—Art. 311 — 1968 Lab I C 320 (Cal) — Revers. AIR 1969 Cal 525B (Nov).

—Art. 311 (1) — AIR 1958 Cal 356—Diss. AIR 1969 Mys 41C (Feb).

Criminal Procedure Code (5 of 1898)

—S. 82 — AIR 1968 Cal 220—Revers. AIR 1969 S C 1171 (Dec).

—S. 146, sub-ss. (1B) and (1D) — AIR 1959 Cal 336 — Diss. AIR 1969 Assam 51A (July).

—S. 435 — AIR 1953 Cal 777 — Held not obiter. AIR 1969 Cal 257 (June).

—S. 435 — AIR 1959 Cal 366 — Diss. AIR 1969 Assam 51A (July).

—S. 435—Cri. Rev. Case No. 1004 of 1966 D/- 24-1-1967 (Cal) — Not F. AIR 1969 Cal 257 (June).

—S. 436 — AIR 1953 Cal 777 — Held not obiter. AIR 1969 Cal 257 (June).

Criminal P. C. (contd.)

- S. 436—Cri. Revn. Case No. 1004 of 1966 D/- 24-1-1967 (Cal) — **Not F.** AIR 1969 Cal 257 (June).
- S. 439 — AIR 1959 Cal 366 — **Diss.** AIR 1969 Assam 81A (July).
- S. 483 — AIR 1949 Cal 584 — **Diss.** AIR 1969 Ker 108 (Apr).
- S. 483 (1)—AIR 1955 Cal 488—**Diss.** AIR 1969 Delhi 235A (Aug).
- S. 489 — AIR 1949 Cal 584 — **Diss.** AIR 1969 Ker 108 (Apr).
- S. 514—AIR 1943 Cal 251 — **Diss.** AIR 1969 All 403 (Aug).

Defence of India Act (35 of 1939)

- S. 19 (1) (g) and (o)—AIR 1954 Cal 41—**Diss.** AIR 1969 Bom 151 (May).

EDUCATION

Punjab University Act (7 of 1947)

- S. 31 (2) (c) — AIR 1968 Cal 206 — **Held no longer good law** in view of 1969 S C (Notes) 208. AIR 1969 Punj 391B (Nov).

West Bengal Board of Secondary Education Act (37 of 1963)

- Ss. 45 (1), 46—(1967) 71 Cal W N 415—**Revers.** AIR 1969 Cal 175B (Mar).

Extradition Act (34 of 1962)

- S. 3—AIR 1968 Cal 220—**Revers.** A I R 1969 S C 1171 (Dec).

Fugitive Offenders Act (1881), (44 and 45 Vict., C 69)

- S. 13—AIR 1968 Cal 220—**Revers.** AIR 1969 S C 1171 (Dec).
- S. 26—AIR 1968 Cal 220—**Revers.** AIR 1969 S C 1171 (Dec).

Hindu Law

- Guardianship — ILR 39 Cal 232—**Held no longer good law** — A I R 1969 Bom 140A (Apr).

Hindu Marriage Act (25 of 1955)

- S. 24—AIR 1962 Cal 455 — **Diss.** A I R 1969 All 601 (Dec).

Hindu Marriage Act (contd.)

- S. 28—AIR 1962 Cal 455 — **Diss.** A I R 1969 All 601 (Dec).

Income-tax Act (11 of 1922)

- S. 3 — (1965) 1 I T J 93 (Cal) — **Revers.** AIR 1969 S C 1160C (Dec).
- S. 4—(1965) 1 I T J 93 (Cal) — **Revers.** AIR 1969 S C 1160C (Dec).
- S. 10—I. T. Ref. No. 65 of 1954, D/- 27-4-1963 (Cal) — **Revers.** A I R 1969 S C 1183 (Dec).
- S. 10 (2) (vi)—(1965) 57 I T R 774 (Cal) —**Revers.** AIR 1969 S C 1262D (Dec).
- S. 10 (2) (xv)—(1965) 1 I T J 93 (Cal) — **Revers.** AIR 1969 S C 1160B (Dec).

- S. 24 (1)—I. T. Ref. No. 38 of 1960, D/- 29-8-1963 (Cal)—**Revers.** AIR 1969 S C 1241B (Dec).

- S. 66 (1) — (1965) 1 I T J 93 (Cal) — **Revers.** AIR 1969 S C 1160A (Dec).

Industrial Disputes Act (14 of 1947)

- S. 2 (j)—AIR 1963 Cal 310—**Not F.** AIR 1969 Mad 134 (Apr).
- S. 15 — AIR 1933 Cal 409 — **Held no longer good law** as interpreted — A I R 1969 Pat 53D (Feb).
- Sch. 3, Item 5—AIR 1933 Cal 409—**Held no longer good law** as interpreted — AIR 1969 Pat 53D (Feb).

Land Acquisition Act (1 of 1894)

- S. 3 (a)—(1908) I L R 35 Cal 525—**Held no longer good law** in view of AIR 1968 S C 1045 as interpreted. A I R 1969 All 604A (Dec).

Limitation Act (9 of 1908)

- Art. 181—A I R 1954 Cal 164—**Held no longer good law** in view of AIR 1967 S C 990 as interpreted. A I R 1969 All 518 (Nov) (FB).

Limitation Act (36 of 1963)

- Arts. 64, 65—AIR 1958 Cal 437 — **Diss.** AIR 1969 Orissa 54 (Mar).

Mahomedan Law

- AIR 1949 Cal 436 — **Diss.** AIR 1969 All 75 (Feb).

Mines and Minerals (Regulation and Development) Act (67 of 1957)

—S. 15 — Cr. No. 433-W of 1963, D/- 8-7-1964 (Cal) — Diss. A I R 1969 Punj 79B (Mar).

Partition Act (4 of 1893)

—S. 2—(1950) 86 Cal L J 144—Over. AIR 1969 Cal 59A (Feb).

—S. 2—(1952) 90 Cal L J 147—Over. AIR 1969 Cal 59A (Feb).

—S. 2—Order of Datta, J., D/- 15-6-1966 (Cal)—Revers. AIR 1969 Cal 59A (Feb).

—S. 6—(1950) 86 Cal L J 144—Over. AIR 1969 Cal 59A (Feb).

—S. 6—(1952) 90 Cal L J 147—Over. AIR 1969 Cal 59A (Feb).

—S. 6—Order of Datta, J., D/- 15-6-1966 (Cal)—Revers. AIR 1969 Cal 59A (Feb).

Prevention of Food Adulteration Act (37 of 1954)

—S. 7 (i)—AIR 1967 Cal 110—Diss. A I R 1969 Ker 79 (Mar).

—S. 16 (1) (a) (i)—AIR 1967 Cal 110—Diss. AIR 1969 Ker 79 (Mar).

Provident Funds Act (19 of 1925)

—S. 3—AIR 1947 Cal 395—Held no longer good law in view of Amendment of Act in 1946 A I R 1969 Punj 44 (Feb).

—S. 4 (1) (i)—AIR 1947 Cal 395—Held no longer good law in view of Amendment of Act in 1946 A I R 1969 Punj 44 (Feb).

—S. 5 (as amended in 1946) — AIR 1947 Cal 395 — Held no longer good law in view of Amendment of Act in 1946 in AIR 1969 Punj 44 (Feb).

Transfer of Property Act (4 of 1882)

—S. 106—AIR 1952 Cal 320—Diss. A I R 1969 Assam 134B (Dec).

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- (1908) 35 Cal 525 = 7, Cal L J 445, Shyam Chunder Mardraj v. Secy. of State—**Held no longer good law** in view of AIR 1968 S C 1045 as interpreted AIR 1969 All 604A (Dec)
- (1912) 39 Cal 232=39 Ind App 16, (P C), Mir Sarwarjan v. Fakhruddin Mahomed—**Held no longer good law** in view of AIR 1948 P C 95=75 I A 115 AIR 1969 Bom 140A (April)
- AIR 1918 Cal 932=45 Cal 585 = 19 Cri L J 315, Nando Lal Ganguli v. Khetra Mohan Ghose—**Over.** AIR 1969 S C 724A (Aug)
- AIR 1919 Cal 674=46 Cal 103, Sachi Prasad v. Amar Nath — **Held no longer good law** in view of AIR 1934 Cal 402 AIR 1969 Andh Pra 92D (March)
- AIR 1923 Cal 496=37 Cal L J 184, Isup Ali v. Gour Chandra Deb—**Diss.** AIR 1969 All 504C (FB) (Oct)
- AIR 1931 Cal 659=58 Cal 539, Engineering Supplies Ltd. v. Dhandhanian and Co. — **Not F.** AIR 1969 Cal 224A (May)
- AIR 1933 Cal 409=60 Cal 909, Secy. of State v. Bhola Nath — **Held no longer good law** in view of AIR 1950 S C 188 AIR 1969 Pat 53D (Feb)
- AIR 1935 Cal 488 = 36 Cri L J 1114, Hemanta Kumar v. Manorama Debi — **Diss.** AIR 1969 Delhi 235A (Aug)
- AIR 1943 Cal 251=44 Cri L J 630, Annada Charan v. Emperor — **Diss.** AIR 1969 All 403 (Aug)
- AIR 1947 Cal 176=50 Cal W N 872, Keshab Lal v. Ivarani Rudra—**Held no longer good law** in view of Amendment of Act in 1946 in AIR 1969 Punj 44 (Feb)
- AIR 1949 Cal 436 = 49 Cal W N 439, Mt. Ayesha Bibi v. Subodh Ch. Chakravarty — **Diss.** AIR 1969 All 75 (Feb)
- AIR 1949 Cal 584 = 50 Cri L J 1006, J. H. Amroon v. Miss R. Sassoon—**Diss.** AIR 1969 Ker 108 (April)
- (1950) 86 Cal L J 144, Pannalal Dutt v. Hrishikesh Dutt—**Over.** AIR 1969 Cal 59A (Feb)
- AIR 1951 Cal 78 = 55 Cal W N 147, Bajranglal Laduram v. Ganesh Commercial Co., Ltd.—**Diss.** AIR 1969 Cal 167A (March)
- AIR 1952 Cal 320 = 86 Cal L J 12, Sati Prasanna Mukherjee v. Md. Fazel — **Diss.** AIR 1969 Assam 134B (Dec)
- 90, Cal L J 147, Narendra Nath Das v. Jnanendra Nath Das — **Over.** AIR 1969 Cal 59A (Feb)
- I. T. Ref. No. 38 of 1952, D/- 2-6-1953 (Cal), Ishwardas Subhakaran v. Commr. of I. T. W. B. — **Over.** AIR 1969 S C 862 (Oct)
- AIR 1954 Cal 41 = 92 Cal L J 246, East India Film Studios v. P. J. Mukherjee — **Diss.** AIR 1969 Bom 151 (May)
- AIR 1954 Cal 164 = 93 Cal L J 66, Shah and Co. v. Ishar Singh Kirpal Singh—**Held no longer good law** in view of AIR 1967 S C 990 as interpreted AIR 1969 All 518 (FB) (Nov)
- (1955) 59 Cal W N 304 = I L R (1956) 1 Cal 348, Nani Gopal v. Panchanan — **Diss.** AIR 1969 Mad 309A (Aug)
- AIR 1956 Cal 390 = 60 Cal W N 683, D. H. Rly. Co., Ltd. v. Jetmull Bhojraj—**Over.** AIR 1969 S C 817B (Oct)
- AIR 1958 Cal 356=62 Cal W N 531, Dualal Ranjan Adetya v. R. K. Bose—**Diss.** AIR 1969 Mys 41C (Feb)
- AIR 1958 Cal 437, Achhiman Bibi v. Abdur Rahim — **Diss.** AIR 1969 Orissa 54 (March)
- AIR 1959 Cal 366 = 1959 Cri L J 700, Ram Narayan Goswami v. Biswanath Goswami — **Diss.** AIR 1969 Assam 81A (July)
- AIR 1960 Cal 580, Gopiram v. Sevantilal — **Diss.** AIR 1969 Mad 166 (May)
- AIR 1962 Cal 42=65 Cal W N 876, Niranjanlal Agarwalla v. Union of India — **Revers.** AIR 1969 S C 23A (Jan)
- AIR 1962 Cal 86=66 Cal W N 761, Comrade Bank Ltd. v. Jyoti Bala Dassi — **Over.** AIR 1969 Cal 153 (Mar).
- AIR 1962 Cal 169, Union of India v. Kashi Prosad — **Revers.** AIR 1969 S C 762 (Sep).
- AIR 1962 Cal 203 = 1962 (1) Cri L J 565 (FB), Prova Debi v. Mrs. Fernandes — **Over.** AIR 1969 S C 331A (May)
- AIR 1962 Cal 455 = 66 Cal W N 388, Gopendra Nath Basu Malik v. Smt. Pratiba Rani—**Diss.** AIR 1969 All 601 (Dec).
- (1962) 66 Cal W N 566=(1962) 32 Com Cas 957, In re, Fire and General Insurance Co. of India, Ltd.—**Diss.** AIR 1969 Pat 188A, B (June).

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- AIR 1963 Cal 231, Shriram Poddar v. Income-tax Officer — Impliedly overruled. AIR 1969 Cal 253C (May)
- AIR 1963 Cal 310=1 Lab L J 567, Rabindra-nath Sen v. First Industrial Tribunal W. B. — Not F. AIR 1969 Mad 134 (Apr).
- I. T. Ref. No. 65 of 1954, D/- 27-4-1963 (Cal) — Revers. AIR 1969 S C 1183 (Dec).
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- (1965) 1 I T J 98 (Cal), Imperial Chemical Industries (India) (Pvt.) Ltd., Calcutta v. Commr. of I. T., Calcutta — Revers. AIR 1969 S C 1160A, B, C (Dec).
- (1965) 57 I T R 774 (Cal), Commr. of I. T. West Bengal v. Netherland Steam Navigation Co. Ltd. — Revers. AIR 1969 S C 1262D (Dec).
- I. T. Ref. No. 130 of 1961, D/- 26-3-1965 (Cal) — Revers. AIR 1969 S C 946 (Nov).
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- (1966) 70 Cal W N 516=(1966) 36 Com Cas 485, John Herbert & Co. Pvt. Ltd. v. Pranay Kumar Datta — Held not good law in view of AIR 1965 S C 507 as interpreted AIR 1969 Cal 363A (July)
- (1966) 1 I T J 824 (Cal), Durga Das Khanna v. Commr. of I. T. — Revers. AIR 1969 S C 775 (Sep).
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- AIR 1967 Cal 110=1967 Cri L J 329, Shipping and Clearing (Agents) v. Calcutta Corporation — Diss. AIR 1969 Ker 79 (Mar).
- (1967) 71 Cal W N 415=15 F L R 360, B. N. Banerjee v. State of W. B. — Revers. AIR 1969 Cal 175B (Apr).
- Cri. Revn. Case No. 1004 of 1966, D/- 24-1-1967 (Cal) — Not F. AIR 1969 Cal 287 (June).
- AIR 1968 Cal 206=71 Cal W N 786, Commr. for the Port of Calcutta v. Baleswar Singh — Held no longer good law in view of 1969 S C (Notes) 208 as interpreted AIR 1969 Punj 391B (Nov).
- AIR 1968 Cal 220, Jugal Kishore More v. Chief Presidency Magistrate, Calcutta — Revers. AIR 1969 S C 1171 (Dec).
- 1968 Lab I-C 320 (Cal), Bikash Chatterjee v. Director General of Health Services — Revers. AIR 1969 Cal 525B (Nov).
- Order of Datta J., D/- 23-4-1968 (Cal) — Revers. AIR 1969 Cal 363B (July)

COMPARATIVE TABLES

Supplement to Comparative Tables of A. I. R. of Previous years

Owing to late receipt of other Journals the following supplement to Comparative Tables of A. I. R. — Other Journals is issued.

A. I. R. Calcutta = Other Journals.

AIR 1965 Cal		AIR 1967 Cal		AIR 1968 Cal		AIR 1968 Cal	
AIR	Other Journals	AIR	Other Journals	AIR	Other Journals	AIR	Other Journals
484	(1969) 1 Lab LJ 816	29	(1969) 1 Lab LJ 300	59	(1969) 1 Lab LJ 50	278 con	18 Fac L R 128
—	—	461	(1969) 1 Lab LJ 290	79	39 Com Cas 119	355	39 Com Cas 126
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AIR	Other Journals	AIR 1968 Cal	Other Journals	253	73 ITR 727	394	39 Com Cas 258
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- I. T. Ref. No. 215 of 1961, D/- 14-1-1965 (Cal) — Revers. AIR 1969 S C 572 (July)
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	AIR 1966 Cal		—	198	(1969) 1 Com L J 123	383	71 ITR 3 9
AIR	Other Journals		AIR 1968 Cal		73 ITR 727	394	39 Com Cas 258
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1969

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GUJARAT HIGH COURT

1969

CHIEF JUSTICE

The Hon'ble Mr. Justice P. N. Bhagwati.

PUISNE JUDGES

The Hon'ble Mr. Justice V. B. Raju, M.A., Dip. in Economics (Mad.), I.C.S.
(up to 9-2-1969).

"	"	A. R. Bakshi, B.A., LL.B., Bar-at-law. (up to 25-6-1969).
"	"	B. J. Diwan.
"	"	N. K. Vakil.
"	"	J. B. Mehta.
"	"	M. U. Shah.
"	"	N. G. Shelat.
"	"	Akbar S. Sarela.
"	"	A. D. Desai.
"	"	J. M. Sheth.
"	"	V. R. Shah.

ADDITIONAL JUDGES

The Hon'ble	B. G. Thakor. (up to 26-8-1969)
"	D. A. Desai.
"	B. R. Sompura. (up to 22-12-1969)
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"	S. H. Sheth Do.
"	Y. D. Desai Do.
"	D. P. Desai Do.
"	M. P. Thakkar (From 2-7-1969).
"	T. U. Mehta (From 12-11-1969).

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JAMMU AND KASHMIR HIGH COURT

1969

CHIEF JUSTICE

The Hon'ble Mr. Justice Syed Murtaza Fazl Ali, B.A. (HONS.) B.L.

PUISNE JUDGES

The Hon'ble Mr. Justice Janki Nath Bhat, M.A., B.A. (HONS), LL.B. (Gold Medalist).

" " Jaswant Singh, B.A., LL.B.

" " Mian Jalal-Uddin, M.A., LL.B. (Addl.)

AD HOC JUDGE :

The Hon'ble Mr. Justice Anant Singh, M.A., B.L.

ADVOCATES-GENERAL :

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" Raizada Amarchand, B.A., LL.B. (Addl.)

" Abdul Karim Malik, M.A., LL.B. (*Deputy*).

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1969

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Diss.=Dissented from in; Not F.=Not followed in; Over.=Overruled in;
Revers.=Reversed in.

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- S. 115—1960 Ker L T 1248 — **Over.** AIR 1969 Ker 103 (Apr).
- S. 144—1966 Ker L J 844 — **Over.** AIR 1969 Ker 31 (Feb).

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- Art. 226 — O. P. 3956 of 1967 (Ker)—**Revers.**—AIR 1969 Ker 243 (Sep) (FB).
- Art. 311 (2)—1964 Ker L T 180—**Over.** AIR 1969 Ker 244 (Sep) (FB).

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- S. 4 (1) (h) — 1968 Ker L T 57—**Held no longer good law** in view of AIR 1964 S C 1541 as interpreted. A I R 1969 Ker 97 (Apr).
- S. 156 (3)—1968 Ker L T 57 — **Held no longer good law** in view of AIR 1964 S C 1541 as interpreted in AIR 1969 Ker 97 (Apr).
- S. 190—1968 Ker L T 57—**Held no longer good law** in view of A I R 1964 S C 1541 as interpreted. A I R 1969 Ker 97 (Apr).
- S. 435—AIR 1967 Ker 280—**Over.** A I R 1969 Ker 126 (Apr).
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- S. 488 (1) — AIR 1961 Ker 297 — **Diss.** AIR 1969 Delhi 235A (Aug).

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- Kerala Agriculturists Debt Relief Act (31 of 1958)
- S. 2 (c) (vii) Obiter in 1965 Ker LT 104 Doubting — 1962 Ker L T 254—**Dis-**

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- approved. A I R 1969 Ker 234A (Aug) (FB).
- Kerala Paddy and Rice (Declaration and Requisitioning of Stocks) Order (1966)**
- Cl. 3 (1) — 1968 Ker L T 223 — **Revers.** AIR 1969 Ker 38T (Feb) (FB).
- Cl. 4—1968 Ker L T 223 — **Revers.** AIR 1969 Ker 38Q, R, S (Feb) (FB).

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- Cl. 7—1968 Ker L T 223—**Revers.** AIR 1969 Ker 38C, E, F (Feb) (FB).

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- S. 7 — View of M. S. Menon C. J. in AIR 1964 Ker 8 (FB)—**Diss.** AIR 1969 Ker 163B (June) (FB).

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- S. 14 (5) (a), (iv) — AIR 1962 Ker 190 (FB) — **Diss.** AIR 1969 Guj 334 (Nov).
- Rajasthan Municipalities Act (38 of 1959)
- S. 104 — AIR 1962 Ker 298 — **Held not good law** in view of AIR 1965 S C 1107 as interpreted. A I R 1969 Raj 146A (May)

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- S. 4 (1) & (4)—AIR 1966 Ker 60 — **Diss.** AIR 1969 Ker 205 (July)

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**Diss.=Dissented from in; Not F.=Not followed in; Owers.=Overruled in;
Revers.=Reversed in.**

- 1960 Ker L T 1248 = 1960 Ker L J 1254, Kurien v. Chacko — **Over.** AIR 1969 Ker 103 (Apr) (FB).
- AIR 1961 Ker 297 = (1961) 2 Cri L J 640, Saraswati v. Madhavan — **Diss.** AIR 1969 Delhi 235A (Aug).
- AIR 1962 Ker 190 = I L R (1962) 1 Ker 1 (FB), P. Kunhiraman v. V. R. Krishna Iyer — **Diss.** AIR 1969 Guj 334 (Nov).
- AIR 1962 Ker 298 = I L R (1962) 1 Ker 494, S. M. Union (Pri.) Ltd. v. State of Kerala — **Held not Good Law** in view of AIR 1965 S C 1107 as interpreted. AIR 1969 Raj 146A (May)
- 1962 Ker L T 254 = 1962 Ker L J 539, Kochukunju Kunjukunju v. Sankaran Ambujaksnan — **Disapproved.** AIR 1969 Ker 234A (Aug) (FB).
- (1963) 49 I T R 927 = 1963 Ker L T 494, Commr. of I. T. v. Morning Stars Bus Service — **Over.** AIR 1969 S C 812A (Sep).
- (1964) View of M. S. Menon C. J. in AIR 1964 Ker 8 = 1963 Ker L J 1052 (FB), Kunhamad v. Narayanan — **Diss.** AIR 1969 Ker 163B (Jun) (FB).
- AIR 1964 Ker 92 = 1963 Ker L J 876 = 1963 Ker L T 958 = I L R (1963) 2 Ker 591, Koteswar Vittal v. Rangappa Baliga & Co. **Revers.** AIR 1969 S C 504A, B (Jun).
- (1964) 1964 Ker LT 180 = ILR (1964) 1 Ker 543, Narayana Murthy v. State of Kerala — **Over.** AIR 1969 Ker 244 (Sep) (FB).
- AIR 1965 Ker 222, K. B. Kalikatti v. I. T. Commr. — **Revers.** AIR 1969 S C 869 (Oct).
- ILR (1965) 2 Ker 141, Mani Joshua v. Mani Mani — **Revers.** AIR 1969 S C 1311 (Dec).
- Obiter in 1965 Ker L T 104 = I L R (1965) 1 Ker 318, Beevi v. Pareed doubting 1962 Ker L T 254, disappointed. — **Doubt.** AIR 1969 Ker 234A (Aug) (FB).
- AIR 1966 Ker 60 = (1965) 16 S T C 794, Laxmi Starch Factory Ltd. v. State of Kerala — **Diss.** AIR 1969 Ker 205. (July)
- 1966 Ker L J 844 = 1966 Ker L T 939, Sreedevi Amma v. Rugmini Amma — **Over.** AIR 1969 Ker 31 (Jan).
- AIR 1967 Ker 280 = 1967 Ker L T 31 = 1967 Cri L J 1640, Devaki v. Kitta — **Over.** AIR 1969 Ker 126 (Apr) (FB).
- O. P. 3956 of 1967 (Ker) — **Revers.** AIR 1969 Ker 243 (Sep) (FB).
- 1968 Ker L T 57 = 1968 Mad L J (Cri) 70, State of Kerala v. Wilfred. **Held no longer good law** in view of AIR 1964 S C 1541 as interpreted AIR 1969 Ker 97 (Apr).
- 1968 Ker L T 223, Narayana Panicker v. Disriect Supply Officer Palghat — **Revers.** AIR 1969 Ker 38C, E, F, Q, R, S, T (FB) (Feb).

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**Diss. =Dissented from in; Not-F.=Not followed in; Over.=Overruled in;
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- S. 105 — A I R 1952 Trav-Co 316 — **Doubted.** AIR 1969 Mad 324A (Sep).
- O. 21, R. 90 — AIR 1952 Trav-Co 316 — **Doubted.** AIR 1969 Mad 324A (Sep).

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- Art. 304 (b), Proviso — AIR 1954 Trav-Co 34 — **Over.** AIR 1969 SC 504B (June).
- Art. 304 (b), Proviso — AIR 1954 Trav-Co 257 — **Over.** AIR 1969 SC 504B (June).
- Art. 304 (b), Proviso — AIR 1955 Trav-Co 82 — **Over.** AIR 1969 SC 504B (June).
- Art. 107 — AIR 1954 Trav-Co 34 — **Over.** AIR 1969 SC 504B (June).

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- Art. 107 — AIR 1954 Trav-Co 257 — **Over.** AIR 1969 SC 504B (June).
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- Art. 114 — AIR 1954 Trav-Co 34 — **Over.** AIR 1969 SC 504B (June).
- Art. 114 — AIR 1954 Trav-Co 257 — **Over.** AIR 1969 SC 504B (June).

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- Art. 114—AIR 1955 Trav-Co 82 — **Over.**
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- Art. 202—AIR 1954 Trav-Co 257—**Over.**
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- Art. 202—AIR 1955 Trav-Co 82 — **Over.**
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- R. 94A — AIR 1957 Trav-Co 6 — **Diss.**
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- S. 7—38 Cochin 379 (FB) — **Diss.** AIR
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- S. 91 — AIR 1953 Trav-Co 271 — **Diss.**
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**TRAVANCORE-COCHIN CASES OVERRULED AND DISSENTED
FROM ETC., IN A. I. R. 1969**

Diss.=Dissented from in; Not-F.=Not followed in; Over.=Overruled in.

- | | |
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MADHYA PRADESH SECTION

WITH COMPARATIVE TABLES FOR

- (1) I. L. R. MADHYA PRADESH
- (2) JABALPUR LAW JOURNAL
- (3) MADHYA PRADESH LAW JOURNAL
- (4) MADHYA PRADESH WEEKLY REPORTER

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MADHYA PRADESH HIGH COURT

1969

CHIEF JUSTICES

The Hon'ble Mr. Justice P. V. Dixit, B.Sc., (Nag.) B.A. (Cantab), Bar-at-law
(up to 18-3-69).
" " Bishambhar Dayal, M.A., LL.B. (From 19-3-69)

PUISNE JUDGES :

The Hon'ble Mr. Justice T. P. Naik, B.Sc., Bar-at-law.
" " P. K. Tare, B.A., LL.B.
" " H. R. Krishnan, B.A., (Mad.), M.Sc., (Beng), I.O.S.
" " K. L. Pandey, B.Sc., LL.B.
" " Shiv Dayal Shrivastava, B.Sc., LL.B.
" " S. B. Sen, M.A., LL.B.
" " N. M. Golwalkar, B.A., LL.B.
" " S. P. Bhargava, B.A., LL.B.
" " M. A. Razzaque, B.Sc., LL.B.
" " R. J. Bhawe, B.A., LL.B.
" " Suraj Bhan Grover, B.A., LL.B.
" " A. P. Sen, B.Sc., LL.B.
" " G. P. Singh, M.Sc., LL.B.

ADDITIONAL JUDGES :

The Hon'ble Mr. Justice S. M. N. Raina, M.Sc., LL.B.
" " G. L. Ojha, M.A., B.Sc., LL.B.

ADVOCATE-GENERAL

Shri K. A. Chitale.

GOVERNMENT-ADVOCATES :

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" K. K. Dubey.
" Ku. Rama Gupta.
" M. V. Tamaskar (Deputy).
" M. L. Chansoria (").

(B) GWALIOR BENCH

Shri P. L. Dube.
" R. S. Bajpai.
" Babulal Morya (Deputy).

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" B. P. Gupta (Addl.)
" G. G. Sohani (Deputy).

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Shri K. C. Niyogi.
" H. G. Harshe (Addl.)

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B.—Gwalior " G. S. Garg, Advocate.
C.—Indore " M. P. Avadhoot, B.Sc., LL.B., Advocate.

EDITOR :

Shri S. APPU RAO, B.A., B.L., Advocate (Madras), *Chief Editor.*

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Owing to late receipt of other Journals the following *Supplement to Comparative Tables of A. I. R. = Other Journals* is issued.

A. I. R. Madhya Pradesh = Other Journals

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1969

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(Lease and Rent Control) Act (18 of 1960),
Section 7 (2) (Dec) 473C

—S. 117 — 'Cultivating tenant' — Agri-
cultural lease is governed by Madras Cul-
tivating Tenants Act and not by the T. P.
Act — See Tenancy Laws — Madras Cul-
tivating Tenants Protection Act (25 of 1955),
Section 2 (a) (May) 172A

Trusts Act (2 of 1882), S. 3. — Purchase of
immovable property by promoter for com-
pany — No trust as defined by Section 3 is
brought about by the purchase — See Trusts
Act (1882), Section 94 (Dec) 462B

—S. 82 — Benami transactions — Source
of consideration — Onus — See Evidence
Act (1872), Secs. 101 to 104 (Jul) 252A

—S. 88 — Lien of partner's representa-
tive on assets of partnership after dissolu-
tion is on surplus assets — Fiduciary re-
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Partnership Act (1932), Sec. 46 (Jul) 257D

—S. 88 — Purchase of immovable prop-
erty by promoter for company — Benefit
of purchase passes to company on its in-
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(Dec) 462B

—S. 88 — Purchase of immovable prop-
erty by promoter of company — Adoption
of benefit of purchase by Company — Ab-
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of Company under registered document —
No effect on transfer of title to Company —
See Transfer of Property Act (1882), S. 9

(Dec) 462C
—S. 92 — Purchase of immovable prop-
erty by promoter for company under incor-
poration — Promoter stands in a fiduciary
position — Section 92 not attracted — See
Trusts Act (1882), Section 94 (Dec) 462B

—Ss. 94, 92, 88, 3 — Promoter of Com-
pany — Status of — Purchase of immov-
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Benefit of purchase passes to Company on
its incorporation (Dec) 462B

Wakf Act (29 of 1954), Ss. 2, 15 — Wakf
created before Act — Scheme framed by,

Wakf Act (contd.)

Civil Court in force — Wakf Board has power to direct Mutavalli to get properties registered under Act and to submit accounts etc. to it — Mutavalli need not file any return to Civil Court under the Scheme

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—S. 3 (f) — Mutawalli — Definition of — It includes person who for time being manages wakf property (Mar) 66B

—S. 6 — Scope — Not resorting to remedy under section will preclude party from raising same question in writ proceedings (Mar) 66A

—S. 15 — Wakf created before Act — Scheme framed by Civil Court in force — Wakf Board has power to direct Mutavalli to get properties registered under Act and to submit accounts etc. to it — Mutawalli need not file any return to Civil Court under the Scheme — See Wakf Act (1954), S. 2

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Wealth-tax Act (27 of 1957), S. 2 (m) (ii) — Scope — Purchase of majority shares of (K) Company by 'S' Company — Purchase of its assets — Subsequently by 'S' Company — Debt incurred for purchasing assets is not covered by Section 2 (m) (ii) — Its deduction for computing net wealth is permissible (Sep) 359A

—S. 3 — Wealth-tax — Not for making or earning income — It is not admissible deduction under Income-tax Act — See Income-tax Act (1961), Section 57 (iii)

(Mar) 69

Wealth-tax Act (contd.)

—S. 4 — Wealth-tax — Nature of — See Income-tax Act (1961), Section 57 (iii) (Mar) 69

Words & Phrases — "Acquire" — See Defence of India Rules (1962), Chap. IV, Part XIII-A Rule 126-I (10) (Jun) 233B

— "Agreed Rent" — See Houses & Rents — Madras Buildings (Lease and Rent Control) Act (18 of 1960), Section 7

(Dec) 473D

— "Balance sheet and profit and loss account" — See Payment of Bonus Act (1965), Section 3 proviso (Oct) 370

— "Immovable property" — Meaning of — See Transfer of Property Act (1882), S. 3 (Sep) 346

— Word "may" in Order 39, Rule 8, Civil P. C. — Meaning — See Civil Procedure Code (5 of 1908), Order 39, Rule 6

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— "Misconduct" — Meaning of — See Industrial Disputes Act (1947), S. 33 (2) (b) (Apr) 121C

— "Paid", meaning of — See Industrial Disputes Act (1947), Section 33 (2) (b)

(Mar) 87A

— "Person aggrieved" — See Electricity Act (1910), Section 50 (Jul) 280

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— "Public purpose" — See Civil P. C. (1908), Pre (May) 183B

MADRAS SUBJECTWISE LIST OF CASES OVERRULED, REVERSED AND DISSENTED FROM, ETC., IN A. I. R. 1969

DISS.=Dissented from in; NOT F.= Not followed in; OVER.=Overruled in;
REVERS.=Reversed in

Banking Companies Act (10 of 1949)

—S. 45A — AIR 1958 Mad 403 — Diss. AIR 1969 Pat 184 (Jun).

—S. 45B — AIR 1958 Mad 403 — Diss. AIR 1969 Pat 184 (Jun).

Civil Procedure Code (5 of 1908)

—S. 47 — ILR (1964) 2 Mad 363 — Diss. AIR 1969 Mad 271 (Jul).

—S. 115 — AIR 1926 Mad 18 — Not. F. AIR 1969 Mad 191G (May).

—S. 115 — AIR 1945 Mad 103 — Diss. AIR 1969 Mys 77 (Mar).

—S. 115 — (1958) 2 Mad LJ 93 — Diss. AIR 1969 Orissa 10A (Jan).

—S. 115 — (1959) 72 Mad LW 361 — Not F. AIR 1969 Mad 191G (May).

—S. 146 — ILR (1964) 2 Mad 363 — Diss. AIR 1969 Mad 271 (Jul).

—O. 6, R. 17 — AIR 1928 Mad 400 — Diss. AIR 1969 Ker 75 (Mar).

—O. 6, R. 17 — (1959) 1 Mad LJ 307 — Diss. AIR 1969 Ker 75 (Mar).

Civil P. C. (contd.)

—O. 21, R. 16 — ILR (1964) 2 Mad 363 — Diss. AIR 1969 Mad 271 (Jul).

—O. 21, R. 35 (2) — AIR 1955 Mad 288 — Held impliedly overruled by AIR 1966 SC 470 As interpreted. AIR 1969 Mad 81 (Mar).

—O. 21, R. 35 (2) — AIR 1964 Mad 53 (FB) — Held impliedly overruled by AIR 1966 SC 470 As interpreted. AIR 1969 Mad 81 (Mar).

—O. 21, R. 63 — AIR 1954 Mad 203 — Diss. AIR 1969 Andh Pra 192 (Jun).

—O. 21, R. 96 — AIR 1955 Mad 288 — Held impliedly overruled by AIR 1966 SC 470 As interpreted. AIR 1969 Mad 81 (Mar).

—O. 21, R. 96 — AIR 1964 Mad 53 (FB) — Held impliedly overruled by AIR 1966 SC 470 As interpreted. AIR 1969 Mad 81 (Mar).

—O. 21, R. 98 — AIR 1937 Mad 582 — Diss. AIR 1969 Mad 166 (May).

Civil P. C. (contd.)

- O. 21, R. 98 — (1949) 1 MLJ 286 — Held overruled by AIR 1949 Mad 586 (FB) as interpreted. AIR 1969 Mad 166 (May).
- O. 21, R. 98 — AIR 1954 Mad 203 — Diss. AIR 1969 Andh Pra 192 (Jun).
- O. 21, R. 99 — AIR 1954 Mad 203 — Diss. AIR 1969 Andh Pra 192 (Jun).
- O. 21, R. 101 — AIR 1954 Mad 203 — Diss. AIR 1969 Andh Pra 192 (Jun).
- O. 21, R. 103 — AIR 1937 Mad 582 — Held overruled by AIR 1949 Mad 586 (FB) as interpreted. AIR 1969 Mad 166 (May).
- O. 21, R. 103 — (1949) 1 MLJ 286 — Held overruled by AIR 1949 Mad 586 (FB) as interpreted. AIR 1969 Mad 166 (May).
- O. 21, R. 103 — AIR 1954 Mad 203 — Diss. AIR 1969 Andh Pra 192 (Jun).
- O. 23, R. 1 — AIR 1928 Mad 400 — Diss. AIR 1969 Ker 75 (Mar).
- O. 23, R. 1 — (1959) 1 Mad LJ 307 — Diss. AIR 1969 Ker 75 (Mar).
- O. 33, R. 2 — (1958) 2 Mad LJ 93 — Diss. AIR 1969 Orissa 10A (Jan).

Companies Act (1 of 1956)

- S. 220 (1) — AIR 1937 Mad 342 — Held no longer good law in view of AIR 1961 SC 186 as interpreted. AIR 1969 Orissa 234 (Sep).

Constitution of India

- Art. 226 — (1963) 2 Lab LJ 60 (Mad) — Held impliedly overruled by AIR 1963 SC 779 — AIR 1969 Mad 275C (Jul).
- Art. 301 — ('67) W. P. No. 836 of 1966 D/- 7-4-1967 (Mad) — Revers. AIR 1969 SC 147 (Feb).
- Art. 302 — ('67) W. P. No. 836 of 1966, D/- 7-4-1967 (Mad) — Revers. AIR 1969 SC 147 (Feb).
- Art. 303 — ('67) W. P. No. 836 of 1966, D/- 7-4-1967 (Mad) — Revers. AIR 1969 SC 147 (Feb).
- Art. 311 — (1963) 2 Lab LJ 60 (Mad) — Held impliedly overruled by AIR 1963 SC 779 as interpreted — AIR 1969 1969 Mad 275C (Jul).

Contract Act (9 of 1872)

- S. 25, sub-section (3) — (1910) 20 Mad LJ 656 — Diss. AIR 1969 Orissa 301A (Dec).
- S. 56 — ('62) Appeal No. 367 of 1958, D/- 16-3-1962 (Mad) — Revers. AIR 1969 SC 110B (Jan).
- S. 73 — AIR 1964 Mad 183 — Diss. AIR 1969 Bom 373C (Nov).

CO-OPERATIVE SOCIETIES

- Maharashtra Co-operative Societies Act (24 of 1961)
- S. 2 (2) — AIR 1930 Mad 869 — Over. AIR 1969 SC 724A (Aug).
- S. 2 (2) — AIR 1934 Mad 40 — Over. AIR 1969 SC 724A (Aug).

Co-operative Societies — Maharashtra Co-operative Societies Act (contd.)

- S. 2 (2) — AIR 1935 Mad 673 — Over. AIR 1969 SC 724A (Aug).
- S. 95 — AIR 1930 Mad 869 — Over. AIR 1969 SC 724A (Aug).
- S. 95 — AIR 1934 Mad 40 — Over. AIR 1969 SC 724A (Aug).
- Ss. 95, 96 — AIR 1935 Mad 673 — Over. AIR 1969 SC 724A (Aug).
- S. 96 — AIR 1930 Mad 869 — Over. AIR 1969 SC 724A (Aug).
- S. 96 — AIR 1934 Mad 40 — Over. AIR 1969 SC 724A (Aug).

Criminal Procedure Code (5 of 1898)

- S. 145 (1) — (1912) 23 Mad LJ 499 — Held no longer good law. AIR 1969 Mad 411 (Nov).
- S. 145 (4) — AIR 1920 Mad 209 — Diss. AIR 1969 Raj 82A (Mar).
- S. 145 (4) — 1933 Mad WN 917 — Diss. AIR 1969 Ker 188A (Jun).
- S. 146 (2) — 1933 Mad WN 917 — Diss. AIR 1969 Ker 188A (Jun).
- S. 222 — AIR 1917 Mad 524 — Diss. AIR 1969 Bom 1A (Jan).
- S. 234 — AIR 1917 Mad 524 — Diss. AIR 1969 Bom 1A (Jan).
- S. 247 — AIR 1930 Mad 1001 — Diss. AIR 1969 All 513A (Nov).
- S. 247 — AIR 1943 Mad 6 — Diss. AIR 1969 All 513A (Nov).
- S. 403 — AIR 1917 Mad 524 — Diss. AIR 1969 Bom 1A (Jan).
- S. 488 (1) — AIR 1914 Mad 594 — Diss. AIR 1969 Delhi 235A (Aug).
- S. 488 (1) — AIR 1950 Mad 394 — Diss. AIR 1969 Delhi 235A (Aug).
- S. 488 (1) — (1964) 2 Mad LJ 70 — Diss. AIR 1969 Delhi 235A (Aug).
- S. 488 (1) — AIR 1967 Mad 77 — Diss. AIR 1969 Delhi 235A (Aug).
- S. 561A — AIR 1917 Mad 524 — Diss. AIR 1969 Bom 1A (Jan).

Employees' State Insurance Act (34 of 1948)

- S. 2 (12) — AIR 1961 Mad 7 — Over. AIR 1969 Mad 155A (May).

Evidence Act (1 of 1872)

- S. 3 — AIR 1924 Mad 708 — Diss. AIR 1969 Punj 244A (Jul).

Guardians and Wards Act (8 of 1890)

- S. 17 — AIR 1955 Mad 451 — Diss. AIR 1969 Mad 365A (Sep).
- S. 19 (b) — AIR 1955 Mad 451 — Diss. AIR 1969 Mad 365A (Sep).
- S. 25 — AIR 1955 Mad 451 — Diss. AIR 1969 Mad 365A (Sep).

HOUSES AND RENTS

- Madras City Tenants Protection Act (3 of 1922)
- S. 2 (2) (1) — ('65) A. A. O. No. 1 of 1962, D/- 26-4-1965 (Mad) — Revers. AIR 1969 SC 435 (Jun).

Houses and Rents — Madras City Tenants Protection Act (contd.)

- S. 3 — ('65) A. A. O. No. 1 of 1962 D/- 26-4-1965 (Mad) — Revers. AIR 1969 SC 435 (Jun).
- S. 9 — ('65) A. A. O. No. 1 of 1962, D/- 26-4-1965 (Mad) — Revers. AIR 1969 SC 435 (Jun).
- S. 12 — ('65) A. A. O. No. 1 of 1962, D/- 26-4-1965 (Mad) — Revers. AIR 1969 SC 435 (Jun).

Income-tax Act (11 of 1922)

- S. 10 (2) — (1964) 51 I. T. R. 631 (Mad) — Over. AIR 1969 SC 812A (Sep).
- S. 161 — (1960) 40 I. T. R. 377 — Over. AIR 1969 SC 888B (Oct).
- S. 166 — (1960) 40 I. T. R. 377 — Over. AIR 1969 SC 888B (Oct).

Income-tax (Appellate Tribunal) Rules (1946)

- R. 24 (as amended in 1948) — AIR 1955 Mad 39 — Over. AIR 1969 SC 1068 (Nov).

Industrial Disputes Act (14 of 1947)

- S. 33 (2) (b) — ('66) W. P. No. 815 of 1962 (Mad) — Over. AIR 1969 Mad 87A (Mar).

Land Acquisition Act (1 of 1894)

- S. 17 (4) — ('61) W. P. No. 505 of 1961 (Mad) — Diss. and Held Impliedly overruled by AIR 1967 SC 1081 as Interpreted. AIR 1969 Mad 140B (Apr).
- S. 17 (4) — ('62) W. P. No. 795 of 1962 (Mad) — Diss. and Held Impliedly overruled by AIR 1967 SC 1081 as Interpreted. AIR 1969 Mad 104B (Apr).
- S. 17 (4) — ('64) W. P. No. 1555 of 1964 (Mad) — Diss. and Held Impliedly overruled by AIR 1967 SC 1081 As Interpreted. AIR 1969 Mad 104B (Apr).
- S. 17 (4) — AIR 1965 Mad 328 — Diss. and Held Impliedly Overruled by AIR 1967 SC 1081 as interpreted. AIR 1969 Mad 104B (Apr).

Limitation Act (9 of 1908)

- S. 10 — ('61) S. A. No. 850 of 1961 (Mad) — Revers. AIR 1969 Mad 401 (Nov).
- S. 13 — AIR 1928 Mad 1088 — Held Rightly Overruled by AIR 1955 Mad 96 (FB) As Interpreted. AIR 1969 SC 552B (Jul).
- S. 13 — AIR 1944 Mad 437 — Held 96 (FB) As Interpreted. AIR 1969 SC 552B (Jul).
- Art. 95 — AIR 1928 Mad 1088 — Held Rightly Overruled by AIR 1955 Mad 96 (FB) As Interpreted. AIR 1969 SC 552B (Jul).
- Art. 95 — AIR 1944 Mad 437 — Held Rightly Overruled by AIR 1955 Mad 96 (FB) As Interpreted. AIR 1969 SC 552B (Jul).

Limitation Act (1908) (contd.)

- Art. 99 — AIR 1936 Mad 782 — Diss. AIR 1969 All 409B (Aug).
- Art. 99 — AIR 1954 Mad 185 — Diss. AIR 1969 All 409B (Aug).
- Art. 102 — AIR 1961 Mad 486 — Diss. AIR 1969 Punj 441A (FB). (Dec).
- Art. 102 — AIR 1963 Mad 425 — Diss. AIR 1969 Punj 441A (FB) (Dec).
- Art. 120 — ('61) S. A. No. 850 of 1961 (Mad) — Revers. AIR 1969 Mad 401 (Nov).

Limitation Act (36 of 1963)

- Art. 85 — AIR 1926 Mad 224 — Diss. AIR 1969 Andh Pra 294C (Aug).

Minimum Wages Act (11 of 1948)

- S. 20 (2) Second Proviso — AIR 1965 Mad 292 — Diss. AIR 1969 Mys 202B (Jun).

Motor Vehicles Act (4 of 1939)

- S. 3 (3), (19), (20), (22), (23) — AIR 1963 Mad 413 — Over. AIR 1969 SC 493A (Jun).
- Ss. 3 (3), (19), (20), (22), (23) — AIR 1967 Mad 100 — Revers. AIR 1969 SC 493A (Jun).
- S. 42 (1) — AIR 1963 Mad 413 — Over. AIR 1969 SC 493A (Jun).
- S. 42 (1) — AIR 1967 Mad 100 — Revers. AIR 1969 SC 493A (Jun).
- Ss. 47 (3), 47 (1) — W. P. No. 1984 of 1967 (Mad) — Revers. AIR 1969 Mad 441 (Nov).
- S. 48 — W. P. No. 1984 of 1967 (Mad) — Revers. AIR 1969 Mad 441 (Nov).
- S. 48 (3) (iii) and (iv) — AIR 1965 Mad 91 — Over. AIR 1969 Mad 356A (Sep).
- S. 57 — W. P. No. 1984 of 1967 (Mad) — Revers. AIR 1969 Mad 441 (Nov).
- S. 60 (1) (c) — AIR 1963 Mad 413 — Over. AIR 1969 SC 493A (Jun).
- S. 60 (1) (c) — AIR 1967 Mad 100 — Revers. AIR 1969 SC 493A (Jun).

MUNICIPALITIES

- Gujarat Municipalities Act (34 of 1963)
- S. 14 (5) (a) (iv) — AIR 1967 Mad 244 — Diss. AIR 1969 Guj 334 (Nov).

Penal Code (45 of 1860)

- S. 409 — AIR 1917 Mad 524 — Diss. AIR 1969 Bom 1A (Jan).
- S. 425 — AIR 1948 Mad 473 — Diss. AIR 1969 Orissa 200 (Aug).

Provident Funds Act (19 of 1925)

- S. 3 — AIR 1936 Mad 477 — Held No Longer good Law. AIR 1969 Punj 44 (Feb).
- S. 4 (1) (c) — AIR 1936 Mad 477 — Held No Longer good Law. AIR 1969 Punj 44 (Feb).

Provident Funds Act (contd.)

—S. 5 (as amended in 1946) — AIR 1936 Mad 477 — Held No Longer good Law. AIR 1969 Punj 44 (Feb).

Provincial Insolvency Act (5 of 1920)

—S. 6 — AIR 1929 Mad 910 (1) — Diss. AIR 1969 Andh Pra 318A (Sep).

—S. 53 — ('58) C. R. Petns. Nos. 981 and 982 of 1956, D/- 17-1-1958 (Mad) — Revers. AIR 1969 SC 1344A (Dec).

—S. 75 (1) first Proviso — ('58) C. R. Petns. Nos. 981 and 982 of 1956, D/- 17-1-1958 (Mad) — Revers. AIR 1969 SC 1344A (Dec).

Registration Act (16 of 1908)

—S. 9 — AIR 1934 Mad 418 — Held Overruled by AIR 1943 Mad 761 (FB) As Interpreted. AIR 1969 Mad 418 (Nov).

—S. 9 — AIR 1937 Mad 22 — Held Overruled by AIR 1943 Mad 761 (FB) AIR 1969 Mad 418 (Nov).

—S. 17 — AIR 1921 Mad 337 (FB) — Held No Longer good Law in view of T. P. (Amendment) Supplementary Act (1929) — AIR 1969 SC 1316A (Dec).

—S. 17 (1) (b) — AIR 1939 Mad 202 — Over. AIR 1969 SC 1147B (Dec).

—S. 17 (1) (b) — AIR 1940 Mad 140 — Over. AIR 1969 SC 1147B (Dec).

—S. 17 (1) (b) — O. S. A. Nos. 65, 70 71 of 1956 D/- 28-7-1961 (Mad) — Revers. AIR 1969 SC 1147B (Dec).

—S. 49 — AIR 1921 Mad 337 (FB) — Held no longer good law in view of T. P. (Amendment) Supplementary Act (1929) — AIR 1969 SC 1316A (Dec).

—S. 59 — AIR 1939 Mad 202 — Over. AIR 1969 SC 1147B (Dec).

—S. 59 — AIR 1940 Mad 140 — Over. AIR 1969 SC 1147B (Dec).

—S. 59 — O. S. A. Nos. 65, 70, 71 of 1956, D/- 28-7-1961 (Mad) — Revers. AIR 1969 SC 1147B (Dec).

Representation of the People Act (43 of 1951)

—S. 101 — ('68) Ele. Petn. No. 11 of 1967, D/- 28-5-1968 (Mad) — Revers. AIR 1969 SC 692C (Aug).

SALES TAX ...

—Central Sales Tax Act (74 of 1956)

—Pre. — (1967) 20 STC 150 (Mad) — Held Overruled by C. A. No. 763 of 1967, D/- 18-4-1968 (SC) As Interpreted. AIR 1969 Punj 121 (Jan).

—S. 2 (i) and (4) — (1966) 17 STC 396 (Mad) — Diss. AIR 1969 Ker 205 (Jul).

—S. 8 (1) (4) — AIR 1962 Mad 410 — Diss. AIR 1969 Pat 42 (Feb).

—S. 8 (1) (4) — AIR 1963 Mad 125 — Diss. AIR 1969 Pat 42 (Feb).

Specific Relief Act (1 of 1877)

—S. 21 — AIR 1934 Mad 418 — Held Overruled by AIR 1943 Mad 761 (FB) As Interpreted. AIR 1969 Mad 418 (Nov).

—S. 21 — AIR 1937 Mad 22 — Held overruled by AIR 1943 Mad 761 (FB) AIR 1969 Mad 418 (Nov).

Succession Act (39 of 1925)

—S. 57 — ILR (1964) 2 Mad 363 — Diss. AIR 1969 Mad 271 (Jul).

—S. 106 — ('62) S. A. No. 15 of 1962 (Mad) — Revers. AIR 1969 Mad 96A (Mar).

—S. 107 — ('62) S. A. No. 15 of 1962 (Mad) — Revers. AIR 1969 Mad 96A (Mar).

—S. 213 — ILR (1964) 2 Mad 363 — Diss. AIR 1969 Mad 271 (Jul).

Transfer of Property Act (4 of 1882)

—S. 3 — ('63) A. S. Nos. 96 and 109 of 1958, D/- 23-1-1963 (Mad) — Revers. AIR 1969 Mad 346 (Sep).

Trusts Act (2 of 1882)

—S. 88 — AIR 1960 Mad 410 — Revers. AIR 1969 SC 843A (Oct).

**MADRAS CASES OVERRULED, REVERSED AND
DISSENTED FROM, ETC., IN A. I. R. 1969**

DISS.=Dissented from in; NOT F.=Not followed in; OVER.=Overruled in;
REVERS.=Reversed in

(1910) 20 Mad LJ 656 = 7 Ind Cas 901, Ramaswami Pillai v. Kuppuswami Pillai — Diss. AIR 1969 Orissa 301A (Dec).

(1912) 23 Mad LJ 499 = ILR 36 Mad 275 Kamal Kutti v. Raja Valia Raja — Held no longer good law. AIR 1969 Mad 411 (Nov).

(14) AIR 1914 Mad 594 = ILR 37 Mad 565, Krishna Swami Iyer v. Chanda Vadana — Diss. AIR 1969 Delhi 235A (Aug).

(17) AIR 1917 Mad 524 = 17 Cri LJ 30, Appadurai In re — Diss. AIR 1969 Bom 1A (Jan).

(20) AIR 1920 Mad 209 = 21 Cri LJ 73, Gopala Aiyar v. Krishnaswamy Iyer — Diss. AIR 1969 Raj 82A (Mar).

(1921) AIR 1921 Mad 337 = ILR 44 Mad 55 (FB), Rama Sahu v. Gouro Ratho — Held no longer good law in view of T. P. (Amendment) Supplementary Act (21 of 1929). AIR 1969 SC 1316A (Dec).

- (24) AIR 1924 Mad 708 = 80 Ind Cas 378, Abdul Jaffar v. K. Venugopal Chettiar — Diss. AIR 1969 Punj 244A (July).
- (26) AIR 1926 Mad 18 = 50 Mad LJ 102, Veerasami Mudali v. Venkatachala Mudali — Not F. AIR 1969 Mad 191G (May).
- (26) AIR 1926 Mad 224 = 23 Mad LW 573, Govinda v. Ramaswamy — Diss. AIR 1969 Andh Pra 294C (Aug).
- (28) AIR 1928 Mad 400 = 54 Mad LJ 145, Singara Mudaliar v. Govindaswami Chetty — Diss. AIR 1969 Ker 75 (Mar).
- (28) AIR 1928 Mad 1088 = 28 Mad LW 645, Rathina v. Packiriswami — Held Rightly overruled by AIR 1955 Mad 96 (FB) as Interpreted. AIR 1969 SC 552B (Jul).
- (29) AIR 1929 Mad 910 (1) = 119 Ind Cas 46, Kandappa v. Pullappa — Diss. AIR 1969 Andh Pra 318A (Sep).
- (30) AIR 1930 Mad 869 = 32 Cri LJ 219, Thadi Subbi Reddi v. Emperor — Over. AIR 1969 SC 724A (Aug).
- (30) AIR 1930 Mad 1001 = 32 Cri LJ 429, Ekambara Mudali v. Alameluammal — Diss. AIR 1969 All 513A (Nov).
- (33) 1933 Mad WN 917, Ramakrishnan Pillai v. S. Narayana Chettiar — Diss. AIR 1969 Ker 188A (Jun).
- (34) AIR 1934 Mad 40 = ILR 57 Mad 426 (FB), Velayuda Mudali v. Co-operative Rural Credit Society — Over. AIR 1969 SC 724A (Aug).
- (34) AIR 1934 Mad 418 = 67 Mad LJ 54, Mopurappa v. Ramaswami Gramani — Held overruled by AIR 1943 Mad 76 (FB) As Interpreted. AIR 1969 Mad 418 (Nov).
- (35) AIR 1935 Mad 673 = 36 Cri LJ 895, Y. Mahabaleswarappa v. Gopalasami Mudaliar — Over. AIR 1969 SC 724A (Aug).
- (36) AIR 1936 Mad 477 = ILR 59 Mad 855, Mon Singh v. Moti Bai — Held no longer good law. AIR 1969 Punj 44 (Feb).
- (36) AIR 1936 Mad 782 = 1936 Mad WN 658, Meghvaranam v. Md. Mohideen Sahib — Diss. AIR 1969 All 409B (Aug).
- (37) AIR 1937 Mad 22 = 71 Mad LJ 641, Ramaswami Chettiar v. Muthiah Chettiar — Held overruled by AIR 1943 Mad 761 (FB). AIR 1969 Mad 418 (Nov).
- (37) AIR 1937 Mad 342 = (1937) 1 Mad LJ 658, Asan Kutti v. M. Koyamma Kutti — Held no longer good law in view of AIR 1961 SC 186 as interpreted. AIR 1969 Orissa 234 (Sep).
- (37) AIR 1937 Mad 582 = (1937) 1 Mad LJ 667, Palaniappa v. Ramaswami — Held overruled by AIR 1949 Mad 586 (FB) as Interpreted. AIR 1969 Mad 166 (May).
- (1939) AIR 1939 Mad 202 = ILR (1939) Mad 199, Vishwanadham v. M. S. Menon — Over. AIR 1969 SC 1147B (Dec).
- (1940) AIR 1940 Mad 140 = ILR (1940) Mad 306, Shiva Rao v. Shanmugha Sundaraswami — Over. AIR 1969 SC 1147B (Dec).
- (43) AIR 1943 Mad 6 = 44 Cri LJ 176, Kutumbayya v. Lakshminarasimha Rao — Diss. AIR 1969 All 513A (Nov).
- (44) AIR 1944 Mad 437 = (1944) 1 Mad LJ 440, Subramania Chettiar v. Maruthamuthu — Held Rightly Overruled by AIR 1955 Mad 96 (FB) as interpreted. AIR 1969 SC 552B (Jul).
- (45) AIR 1945 Mad 103 = (1945) 1 Mad LJ 4, A Ramamurthy Iyer v. Meenakshi Sundarammal — Diss. AIR 1969 Mys 77 (Mar).
- (48) AIR 1948 Mad 473 = 49 Cri LJ 711, K. Vaiyapusi Goundan v. Kuppuswami — Diss. AIR 1969 Orissa 200 (Aug).
- (50) AIR 1950 Mad 19 = (1949) 1 Mad LJ 286, Umanath v. Pedru Souza — Held Overruled by AIR 1949 Mad 586 (FB) as interpreted. AIR 1969 Mad 166 (May).
- (50) AIR 1950 Mad 394 = 51 Cri LJ 931, Subhama v. Venkata Reddi — Diss. AIR 1969 Delhi 235A (Aug).
- (54) AIR 1954 Mad 185 = 65 Mad LW 191, C. Bapayya v. T. Sitaramamma — Diss. AIR 1969 All 409B (Aug).
- (54) AIR 1954 Mad 203 = (1953) 2 Mad LJ 439, Suryanarayana v. Ganesulu — Diss. AIR 1969 Andh Pra 192 (Jun).
- (55) AIR 1955 Mad 39 = (1955) 27 ITR 164, Ruvula Sabbarao v. Commr. of I.-T. Madras — Over. AIR 1969 SC 1068 (Nov).
- (55) AIR 1955 Mad 288 = (1955) 1 Mad LJ 414, Thavi Chettiar v. Dakshinamurthi Mudaliar — Held impliedly overruled by AIR 1966 SC 470 as interpreted AIR 1969 Mad 81 (Mar).
- (55) AIR 1955 Mad 451 = 1955 Cri LJ 1192, Mr. Richard v. Mrs. Richard — Diss. AIR 1969 Mad 365A (Sep).
- (58) AIR 1958 Mad 403 = 71 Mad LJ 291, Thangia v. Harman Bank Ltd. — Diss. AIR 1969 Pat 184 (Jun).
- (1958) 2 Mad LJ 93 = 1958 Mad WN 351, Chinnamani Nadar v. Devagiribai Rajan — Diss. AIR 1969 Orissa 10A (Jan).
- (1958) C. R. Petns. Nos. 981 and 982 of 1956, D/- 17-1-1958 (Mad) — Revers. AIR 1969 SC 1344A (Dec).
- (1959) 1 Mad LJ 307, Nagutha Mohamed Nainar v. Vadavalli Ammal — Diss. AIR 1969 Ker 75 (Mar).
- (1959) 72 Mad LW 361, Amirthalingam v. Lakshmanaswami — Not F. AIR 1969 Mad 191G (May).
- (60) AIR 1960 Mad 410, Nellie Wapshare v. Pierce Leslie and Co. — Revers. AIR 1969 SC 843A (Oct).

- (1960) 40 ITR 377 = ILR (1960) Mad 1144, V. Ramaswami Iyengar v. Commr. of I. T. — Over. AIR 1969 SC 888B (Oct).
- (61) AIR 1961 Mad 7 = (1961) 1 Mad LJ 16, M. H. Ismail Sahib and Co. v. Regional Director E. S. I. Corporation — Over. AIR 1969 Mad 155A (May).
- (61) AIR 1961 Mad 486 = ILR (1961) Mad 747, Union of India v. R. Akbar Sheriff — Diss. AIR 1969 Punj 441A (Dec) (FB).
- (1961) O. S. A. Nos. 65, 70, 71 of 1956, D/- 28-7-1961 (Mad) — Revers. AIR 1969 SC 1147B (Dec).
- (61) S. A. No. 850 of 1961 (Mad) — Revers. AIR 1969 Mad 401 (Nov).
- (61) W. Ps. Nos. 505 etc. of 1961 (Mad) — Diss. and Held Impliedly Overruled by AIR 1967 SC 1081 as Interpreted. AIR 1969 Mad 104B (Apr).
- (62) AIR 1962 Mad 410 = (1962) 13 STC 686, Dy. Commr. of Commercial Taxes v. Mahohar Bros. — Diss. AIR 1969 Pat 42 (Feb).
- (62) Appeal No. 367 of 1958, D/- 16-3-1962 (Mad) — Revers. AIR 1969 SC 110B (Jan).
- (62) S. A. No. 15 of 1962 (Mad) — Revers. AIR 1969 Mad 96 (Mar).
- (62) W. P. No. 795 of 1962 (Mad) — Diss. and Held Impliedly Overruled by AIR 1967 SC 1081 as Interpreted. AIR 1969 Mad 104B (Apr).
- (62) W. P. No. 815 of 1962 (Mad) — Over. AIR 1969 Mad 87A (Mar).
- (63) AIR 1963 Mad 125 = (1962) 13 STC 680, Dy. Commr. Commercial Taxes v. Parokutti Hajee Sons — Diss. AIR 1969 Pat 42 (Feb).
- (63) AIR 1963 Mad 413 = (1963) 2 Mad LJ 20, Varadarajulu Naidu v. Thawasi Nadar — Over. AIR 1969 SC 493A (Jun).
- (63) AIR 1963 Mad 425 = ILR (1963) Mad 1014, State of Madras v. Anantharaman — Diss. AIR 1969 Punj 441A (FB) (Dec).
- (63) (1963) 2 Lab LJ 60 (Mad), Royal Printing Works v. Industrial Tribunal — Held impliedly overruled by AIR 1963 SC 779 as Interpreted. AIR 1969 Mad 275C (Jul).
- (63) A. S. Nos. 96 and 109 of 1958, D/- 23-1-1963 (Mad) — Revers. AIR 1969 Mad 346 (Sep).
- (64) AIR 1964 Mad 53 = (1963) 2 Mad LJ 162 (FB), Ramaganesan Pillai v. Rajah Ayyar — Held Impliedly overruled by AIR 1966 SC 470 as Interpreted. AIR 1969 Mad 81 (Mar).
- (64) AIR 1964 Mad 183 = ILR (1964) 1 Mad 434, Tanjore Permanent Bank v. G. N. Munniswamy — Diss. AIR 1969 Bom 373C (Nov).
- (64) ILR (1964) 2 Mad 363 = (1964) 2 Mad LJ 563, Sampat Mudaliar v. Sakuntala Ammal — Diss. AIR 1969 Mad 271 (Jul).
- (1964) 2 Mad LJ 70 = 1964 Mad LJ (Cri) 402, Ibrahim v. Saidani Bi — Diss. AIR 1969 Delhi 235A (Aug).
- (1964) 51 ITR 631 (Mad), M. C. Cherian v. Commr. of I. T. — Over. AIR 1969 SC 812A (Sep).
- (64) W. P. No. 1555 of 1964 (Mad) — Diss. and Held Impliedly Overruled by 1967 SC 1081 as Interpreted. AIR 1969 Mad 104B (Apr).
- (65) AIR 1965 Mad 91 = (1965) 1 Mad LJ 248, Mettupalayam Coonoor Service (P) Ltd. v. Niligiri Motor Transport (1947) (P) Ltd. — Over. AIR 1969 Mad 356A (Sep).
- (65) AIR 1965 Mad 292 = (1964) 1 Lab LJ 709, Gandhiban Bus Service v. Presiding Officer, Labour Court — Diss. AIR 1969 Mys 202B (Jun).
- (65) AIR 1965 Mad 328 = ILR (1965) 2 Mad 416, Periathamby Mudaliar v. Spl. Tahsildar (L. A.) Planning Scheme, Coimbatore — Diss. and Held Impliedly Overruled by AIR 1967 SC 1081 as Interpreted. AIR 1969 Mad 104B (Apr).
- (65) A. A. O. No. 1 of 1962, D/- 26-4-1965 (Mad) — Revers. AIR 1969 SC 435 (Jun).
- (66) (1966) 17 STC 396 = ILR (1967) 1 Mad 709, Khader and Co. v. State of Madras — Diss. AIR 1969 Ker 205 (Jul).
- (67) AIR 1967 Mad 77 = 1967 Cri LJ 205, Amirthammal v. K. Marimuthu — Diss. AIR 1969 Delhi 235A (Aug).
- (67) AIR 1967 Mad 100 = (1966) 1 Mad LJ 363 = 1966 Mad WN 146 =

- (1966) 79 Mad LW 284, Viswanathan Pillai v. Shanmugam — Revers. AIR 1969 SC 493A (Jun). 18-4-1968 (SC) as Interpreted. AIR 1969 Punj 121 (Jan).
- (67) AIR 1967 Mad 244 = ILR (1968) 1 Mad 1, S. V. Viswanathan v. Rangaswamy — Diss. AIR 1969 Guj 334 (Nov). (67) Writ Petn. No. 836 of 1966, D/- 7-4-1967 (Mad) — Revers. AIR 1969 SC 147 (Feb).
- (1967) 20 STC 150 = (1967) 2 Mad LJ 552, Larsen and Toubro Ltd. v. Joint Commercial Tax Officer — Held overruled by C. A. No. 763 of 1967, D/- (67) W. P. No. 1984 of 1967 (Mad) — Revers. AIR 1969 Mad 441 (Nov).
- (68) Ele. Petn. No. 11 of 1967, D/- 28-5-1968 (Mad) — Revers. AIR 1969 SC 692C (Aug).
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COMPARATIVE TABLES

Supplement to Comparative Tables of A. I. R. of Previous years

Owing to late receipt of other Journals the following *supplement* to comparative tables of A. I. R. = Other Journals is issued

A. I. R. Madras = Other Journals

AIR	Other Journals	AIR	Other Journals	AIR	Other Journals	AIR	Other Journals
392	AIR 1967 Mad 1968 Serv L R 224	236	AIR 1968 Mad ILR (1969) 1 Mad 416	346	AIR 1968 Mad ILR (1969) 1 Mad 618	390	AIR 1968 Mad ILR (1968) 3 Mad 497
		260	ILR (1969) 1 Mad 168 (1969) 2 M L J 148	366	ILR (1969) 1 Mad 388	394	(1969) 1 Mad L J 458
	AIR 1968 Mad	269	ILR (1969) 1 Mad 358	383	ILR (1968) 3 Mad 511	436	(1969) 1 Mad L J 49 1969 Mad L J (Cri) 54
218	ILR (1969) 1 Mad 627	274	ILR (1969) 1 Mad 1	387	1969 Serv L R 75 (1969) 2 Lab L J 435		ILR (1969) 1 Mad 18 1969 A C J 34
226	ILR (1969) 1 Mad 523	335	ILR (1968) 3 Mad 737				

A. I. R. 1969 Madras = Other Journals

AIR	Other Journals	AIR	Other Journals	AIR	Other Journals	AIR	Other Journals
1 [C N 1]		81 [C N 14]		112 [C N 26]		145con	(1968) 2 I T J 636 1968 Mad L J (Cri) 635
(FB) ILR (1968) 3 Mad 1		(1968) 2 Mad L J 103		81 Mad L W 334			1969 Mad L W (Cri) 157
81 Mad L W 345		83 [C N 15]		ILR (1969) 1 Mad 57		71 I T R 163	
(1969) 1 Mad L J 1		81 Mad L W 418		(1969) 1 Mad L J 568		ILR (1969) 2	Mad 525
5 [C N 2]		(1969) 1 Mad L J 171		118 [C N 27]			
81 Mad L W 190		84 [C N 16]		(1967) 2 Mad L J 438		155 [C N 36]	
10 [C N 3]		81 Mad L W 469		80 Mad L W 507		34 F J R 271	
(FB) 81 Mad L W 369		(1969) 1 Mad L J 135		118 [C N 28]		(1969) 1 Mad L J 17	
ILR (1968) 3		85 [C N 17]		(1968) 2 Mad L J 140		ILR (1969) 1 Mad 70	
Mad 377		(1968) 2 Mad L J 307		(1969) 1 Lab L J 93		1969 Lab I C 549	
14 [C N 4]		1968 Mad L W		1969 Lab I C 429		(1969) 1 Lab L J 586	
81 Mad L W 350		(Cri) 130		1968 Serv L R 718		166 [C N 37]	
15 [C N 5]		1969 Cri L J 394		121 [C N 29]		(1968) 2 Mad L J 284	
81 Mad L W 100		87 [C N 18]		34 F J R 180		81 Mad L W 524	
(1968) 1 Mad L J 422		34 F J R 244		(1968) 2 Mad L J 221		172 [C N 38]	
ILR (1968) 2		(1968) 2 Mad L J 318		17 Fac L R 251		(1968) 2 Mad L J 367	
Mad 298		81 Mad L W 475		81 Mad L W 402		177 [C N 39]	
21 [C N 6]		17 Fac L R 360		(1968) 2 Lab L J 801		(1968) 2 Mad L J 321	
34 F J R 211		1969 Lab I C 279		1969 Lab I C 121		1968 Mad L W	
(1968) 2 Mad L J 479		90 [C N 19]		124 [C N 30]		(Cri) 137	
17 Fac L R 290		(1968) 2 Mad L J 477		81 Mad L W 460		1968 Mad L J	
(1969) 1 Lab L J 499		81 Mad L W 474		(1969) 1 Mad L J 197		(Cri) 573	
27 [C N 7]		91 [C N 20]		ILR (1969) 1		1969 Cri L J 618	
(1968) 2 Mad L J 105		21 S T C 489		Mad 758		180 [C N 40]	
33 [C N 8]		93 [C N 21]		126 [C N 31]		1969 A C J 435	
(1967) 2 Lab L J 836		1968 (2) Mad L J 138		134 [C N 32]		183 [C N 41]	
33 F J R 356		(1968) 2 Mad L J 469		38 Com Cas 256		(1968) 2 Mad L J 310	
(1968) 1 Mad L J 458		1968 Mad L W		(1968) 1 Com		187 [C N 42]	
1968 Mad L J		(Cri) 135		L J 152		81 Mad L W 424	
(Ori) 301		1968 Mad L J		33 F J R 301		(1969) 1 Mad L J 193	
ILR (1968) 3		(Cri) 647		68 I T R 279		191 [C N 43]	
Mad 581		1969 Cri L J 416		(1968) 1 Lab L J 682		ILR (1968) 3	
1969 Cri L J 206		96 [C N 23]		ILR (1968) 3		Mad 335	
42 [C N 9]		81 Mad L W 281		1969 Lab I C 434		201 [C N 44]	
(1968) 1 Com L J 75		(1968) 2 Mad L J 639		143 [C N 33]		(1968) 2 Mad L J 191	
55 [C N 10]		ILR (1968) 3		71 I T R 25		1968 Mad L J	
ILR (1969) 1		Mad 395		(1969) 1 I T J 692		(Cri) 497	
Mad 207		104 [C N 24]		(1969) 1 Com L J 349		(1969) 1 Lab L J 351	
(1969) 2 Mad L J 251		(1968) 2 Mad L J 174		144 [C N 34]		1969 Lab I C 678	
66 [C N 11]		108 [C N 25]		81 Mad L W 374		204 [C N 45]	
(1968) 1 Mad L J 19		81 Mad L W 342		ILR (1968) 3		81 Mad L W 413	
69 [C N 12]		ILR (1968) 3		Mad 638		(1969) 1 Mad L J 188	
70 I T R 240							
72 [C N 13]							
81 Mad L W 257							
(1969) 2 Mad L J 403							

AIR	Other Journals	AIR	Other Journals	AIR	Other Journals	AIR	Other Journals
208 [C N 46]		280con1968 Mad L J		359con(1969) 1 I T J 618		414con(1969) 1 Mad L J 97	
72 I T R 73		(Cri) 125		(1969) 2 Mad L J 51		1969 Mad L J	
211 [C N 47]		(1968) 1 Mad L J 306		ILR (1969) 2		(Cri) 162	
(1969) 2 Mad L J 297		1969 Cri L J 918		Mad 450		1969 Cri L J 1412	
1968 Mad L J							
(Cri) 572		284 [C N 85]		365 [C N 82]		416 [C N 96]	
---		20 S T C 115		81 Mad L W 613		82 Mad L W 135	
212 [C N 48]		ILR (1968) 2		(1969) 1 Mad L J 519		ILR (1969) 1	
---		Mad 489				Mad 852	
214 [C N 49]		(1969) 1 Mad L J 480		370 [C N 83]		418 [C N 97]	
81 Mad L W 432				(1968) 2 Lab L J 416		82 Mad L W 160	
(1969) 1 Mad L J 184		300 [C N 86]		34 F J R 462		(1969) 2 Mad L J 151	
1969 Ren C R 252		(1968) 2 I T J 610		18 Fac L R 52			
ILR (1969) 2		70 I T R 860		1969 Lab I C 1310		422 [C N 98]	
Mad 731		302 [C N 87]				23 S T C 152	
217 [C N 50]		(1968) 2 I T J 420		374 [C N 84]		423 [C N 99]	
81 Mad L W 483		70 I T R 397		35 F J R 11		82 Mad L W 154	
(1969) 1 Mad L J 108		305 [C N 88]		82 Mad L W 15		(1969) 1 Mad L J 605	
ILR (1969) 1		(1968) 2 Mad L J 273		(1969) 1 Mad L J 147			
Mad 393		309 [C N 89]		1969 Lab I C 1314		426 [C N 100]	
		ILR (1968) 3				82 Mad L W 113	
223 [C N 51]		Mad 803		378 [C N 85]		(1969) 1 Mad L J 440	
(1969) 2 Mad L J 386		(1969) 1 Mad L J 528		1968 Mad L W			
227 [C N 52]				(Cri) 211		428 [C N 101]	
---		316 [C N 70]				82 Mad L W 48	
232 [C N 53]		81 Mad L W 466		380 [C N 86]		ILR (1969) 1	
22 S T C 472		(1969) 1 Mad L J 133		---		Mad 819	
(1969) 2 Mad L J 168		1969 A O J 10		382 [C N 87]			
1969 Mad L J				ILR (1968) 2		434 [C N 102]	
(Cri) 620		317 [C N 71]		Mad 620		---	
		(1968) 2 Mad L J 490				437 [C N 103]	
233 [C N 54]		81 Mad L W 464		389 [C N 88]		81 Mad L W 646	
(1968) 2 Mad L J 528						(1969) 1 Mad L J 379	
1968 Mad L J		320 [C N 72]		401 [C N 89]		440 [C N 104]	
(Cri) 695		1968 Mad L W		---		81 Mad L W 629	
1968 Mad L W		(Cri) 142		34 F J R 481		35 F J R 5	
(Cri) 172		(1968) 2 Mad L J 532		81 Mad L W 630		18 Fac L R 82	
1969 Cri L J 983		1968 Mad L J		(1969) 1 Mad L J 102		(1969) 2 Lab L J 159	
235 [C N 55]		(Cri) 699		1969 Lab I C 1343		1969 Lab I C 1483	
81 Mad L W 490		1969 Cri L J 1056					
(1969) 1 Mad L J 866		321 [C N 73]		405 [C N 90]		441 [C N 105]	
248 [C N 56]		1968 Mad L W		81 Mad L W 609		(1969) 2 Mad L J 574	
81 Mad L W 565		(Cri) 155		(1969) 1 Mad L J 402		ILR (1969) 2	
(1969) 2 Mad L J 431		(1968) 2 Mad L J 534				Mad 637	
ILR (1969) 1		1968 Mad L J		406 [C N 91]			
Mad 802		(Cri) 701		35 F J R 18		448 [C N 106]	
252 [C N 57]		1969 Cri L J 1143		82 Mad L W 3		(1968) 2 Mad L J 395	
81 Mad L W 561		322 [C N 74]		(1969) 1 Mad L J 170			
257 [C N 58]		(1968) 2 I T J 277		18 Fac L R 149		458 [C N 107]	
ILR (1969) 1		23 S T C 503		(1969) 2 Lab L J 140		(1969) 1 Mad L J 201	
Mad 734		324 [C N 75]		1969 Lab I C 1347		ILR (1969) 2	
265 [C N 59]		(1968) 2 Mad L J 266		407 [C N 92]		Mad 669	
23 S T C 1		81 Mad L W 387		34 F J R 479			
268 [C N 60]		329 [C N 76]		(1969) 1 Mad L J 90		462 [C N 108]	
(1968) 2 Mad L J 634		81 Mad L W 486		18 Fac L R 144		82 Mad L W 179	
81 Mad L W 634		ILR (1969) 1		(1969) 2 Lab L J 154		ILR (1969) 1	
271 [C N 61]		Mad 459		1969 Lab I C 1482		Mad 433	
(1968) 2 Mad L J 610		(1970) 1 Mad L J 105				(1969) 2 Mad L J 509	
81 Mad L W 683		346 [C N 77]		408 [C N 93]			
273 [C N 62]		(1968) 2 Mad L J 493		1969 Mad L W		470 [C N 109]	
35 F J R 7		ILR (1969) 2 Mad 379		(Cri) 214		82 Mad L W 117	
(1969) 1 Mad L J 119		350 [C N 78]		(1969) 1 Mad L J 92		(1969) 1 Mad L J 427	
18 Fac L R 146		(1968) 2 Mad L J 865		1969 Mad L J		473 [C N 110]	
1969 Lab I C 824		361 [C N 79]		(Cri) 123		(1969) 1 Mad L J 122	
(1969) 2 Lab L J 133		81 Mad L W 555		1969 Cri L J 1406		1969 Ren C R 160	
275 [C N 63]		(1969) 1 Mad L J 638					
(1969) 1 Mad L J 32		ILR (1969) 1		411 [C N 94]		477 [C N 111]	
(1969) 1 Lab L J 575		Mad 603		1968 Mad L W		82 Mad L W 36	
1969 Lab I C 826				(Cri) 179		35 F J R 46	
280 [C N 64]		856 [C N 80]		(1969) 1 Mad L J 37		(1969) 1 Mad L J 409	
1968 Mad L W		---		1969 Mad L J		18 Fac L R 212	
(Cri) 15		559 [C N 81]		(Cri) 79		(1969) 2 Lab L J 161	
		72 I T R 33		1969 Cri L J 1410		1969 Lab I C 1484	
		39 Com Cas 212		414 [C N 95]			
		(1969) 1 Com L J 277		1968 Mad L W		478 [C N 112]	
				(Cri) 210		82 Mad L W 64	
						(1969) 1 Mad L J 334	

ILR (1968) 2 Mad

ILR (Mad)	AIR
489 1969 Mad 284	
620 " " 382	

ILR (1968) 3 Mad

ILR (Mad)	AIR
335 1969 Mad 191	
377 " " 10	
395 " " 96	
497 1968 " 390	
511 " " 383	
561 1969 " 33	
638 " " 108	
655 " " 134	
737 1968 " 335	
803 1969 " 309	

ILR (1969) 1 Mad

(Jan. to April 1969)

ILR (Mad)	AIR
1 1968 Mad 274	
16 " " 436	
57 1969 " 112	
70 " " 155	
168 1968 " 260	
207 1969 " 55	
358 1968 " 269	
338 " " 366	
393 1969 " 217	
416 1968 " 236	
459 1969 " 462	
459 " " 329	
523 " " 226	
603 " " 351	
618 1968 " 346	
627 " " 218	
641 1970 " 48	
734 1969 " 257	
758 " " 124	
781 " " 5	
802 " " 248	
819 " " 428	
838 " " 416	

ILR (1969) 2 Mad

(May to July 1969)

ILR (Mad)	AIR
379 1969 Mad 346	
450 " " 359	
525 " " 145	

(1967) 2 Mad L J

MLJ	AIR
433 1969 Mad 116	

ILR (1969) 3 Mad(Sep. to Dec. 1969)
(Not received)**(1968) 1 Mad L J**

Mad L J	AIR
19 1989 Mad 66	
306 " " 280	
361 " " 134	
458 " " 33	

(1968) 2 Mad L J

Mad L J	AIR
103 1969 Mad 81	
138 " " 93	
140 " " 118	
174 " " 104	
191 " " 201	
221 " " 121	
266 " " 324	
273 " " 305	
284 " " 166	
297 " " 211	
307 1968 " 85	
310 1969 " 183	
318 " " 81	
321 " " 177	
365 " " 350	
367 " " 172	
395 " " 448	
451 " " 145	
469 " " 94	
477 " " 90	
490 " " 317	
493 " " 346	
497 1970 " 48	
528 1969 " 233	
532 " " 320	
534 " " 321	
610 " " 271	
634 " " 268	
637 " " 441	
639 " " 96	
669 " " 458	
731 " " 214	

(1968) 2 MLJ (SC)

MLJ (SC)	AIR
121 1968 SC 1012	
127 " " 1489	
134 " " 985	

(1969) 1 Mad L J

Mad L J	AIR
1 1969 Mad 1	
17 " " 155	
32 " " 275	
37 " " 411	
49 1968 " 438	
90 1969 " 407	
92 " " 408	
97 " " 414	
102 " " 401	
108 " " 217	
119 " " 273	
122 " " 473	

(1969) 1 Mad L J

MLJ	AIR
133 1969 Mad 316	
135 " " 84	
143 1970 " 34	
147 1969 " 374	
151 1970 " 107	
163 1969 " 10	
168 1970 " 47	
170 1969 " 406	
171 " " 83	
184 " " 214	
188 " " 204	
193 " " 187	
197 " " 124	
201 " " 458	
241 1970 " 76	
261 " " 63	
334 " " 479	
348 " " 119	
366 1969 " 235	
379 " " 437	
393 1970 " 81	
402 1969 " 405	
409 " " 477	
413 1970 " 39	
422 " " 106	
427 1969 " 470	
440 " " 426	
443 1970 " 27	
456 1968 " 394	
480 1969 " 284	
514 1970 " 108	
519 1969 " 365	
528 " " 309	
568 " " 112	
578 1970 " 17	
605 " " 423	
635 " " 7	
638 1969 " 351	

(1969) 1 Mad L J (SC)

Mad L J (SC)	AIR
1 1968 SC 327	
6 " " 1028	
11 " " 1047	
21 " " 1425	
28 1969 " 147	
47 " " 348	
51 1968 " 1138	
83 1969 " 563	
86 " " 493	
90 " " 435	

(1969) 2 Mad L J

MLJ	AIR
51 1969 Mad 359	
58 1970 " 41	
91 " " 5	
93 " " 1	
95 " " 2	
144 " " 25	
148 1968 " 280	
151 1969 " 418	
163 " " 232	
171 1970 " 92	

(1969) 2 Mad L J

Mad L J	AIR
191 1970 Mad 10	
194 " " 103	
198 " " 104	
214 " " 82	
251 1969 " 55	
386 " " 223	
403 " " 72	
421 " " 5	
431 " " 248	
457 1970 " 91	
509 1969 " 462	
574 " " 441	
597 1970 " 113	

(1969) 2 Mad L J (SC)

MLJ	AIR
1 1969 SC 682	
6 " " 740	
9 " " 701	
15 " " 110	
25 " " 569	
28 " " 553	
31 " " 764	
38 " " 530	
50 " " 692	
59 " " 634	
80 " " 843	
90 " " 1068	
95 " " 940	
99 1970 " 14	
105 1969 " 1359	
107 " " 1147	
114 1970 " 66	

1967 Mad L J (Cri)

MLJ (Cri)	AIR
421 1969 Mys 114	

1968 Mad L J (Criminal)

Mad L J (Cri)	AIR
125 1969 Mad 280	
260 " An Pra 47	
301 " Mad 33	
405 " Ker 79	
425 " " 126	
430 " AP 281	
485 " Ker 120	
492 " " 68	
497 " Mad 201	
572 " " 211	
573 " " 177	
599 " Ker 97	
601 " " 188	
635 " Mad 145	
647 " " 94	
662 " Mys 203	
690 " " 1167	

(1968) Mad L J (Cr)

Mad L J (Cri)	AIR
695 1969 Mad 233	
694 " " 320	
701 " " 321	
711 1968 SC 1464	
714 " AP 383	
723 " SC 1438	
730 " " 1273	
733 " " 1275	
743 1969 Mys 95	
757 1968 SC 1270	
780 1969 Mys 160	
793 1968 SC 765	

1969 Mad L J (Criminal)

Mad L J	AIR
1 1968 SC 1393	
3 " " 1390	
7 1969 " 7	
10 1968 " 1517	
15 1969 Ker 250	
19 1969 Mys 221	
25 " " 181	
28 " " 184	
31 1968 SC 1281	
36 " " 1319	
41 " " 1348	
46 1969 " 40	
49 1968 " 1509	
54 " Mad 436	
69 1969 SC 15	
72 1968 " 1422	
75 1969 " 30	
79 " Mad 411	
83 1968 Ker 208	
90 " " 111	
123 1969 Mad 408	
130 1968 SC 1468	
137 1969 " 53	
144 1968 " 1339	
149 " " 1450	
154 " " 1292	
162 1969 Mad 414	
166 " AP 150	
172 1968 SC 1313	
179 " " 1323	
185 " " 1513	
209 1969 " 253	
212 " " 355	
217 1970 Mad 63	
272 1968 Ker 330	
282 1970 " 15	
294 1969 Mys 297	
310 1969 SC 63	
317 1968 AP 381	
321 " SO 1444	
327 " " 1419	
330 1967 " 1214	
344 " " 1494	
358 1970 Mad 39	
362 1969 Mys 277	
388 1968 SC 1402	
395 1969 " 4	
398 " " 43	
404 " " 189	
409 " Ker 146	
440 " AP 415	
442 " SO 401	
447 " " 414	

(1968) Mad L J (Cri)

Mad LJ (Cri)	AIR
456 1969 SC 422	
466 " " 473	
471 " " 381	
476 " " 483	
482 " " 889	
484 " " 886	
488 " " 724	
504 1970 Mys 34	
527 1969 SC 323	
537 " A P 444	
547 " SC 701	
571 " Mys 315	
620 " Mad 232	
636 " SC 1014	
665 " " 1004	
675 " " 1028	
687 " A P 271	
717 " SC 1153	
721 " " 951	
724 1967 " 1335	
734 1969 " 1020	
739 " " 1108	
748 " " 583	
814 " " 956	
852 1970 " 66	
856 " " 27	
860 " " 20	
862 " " 283	
867 " " 7	
871 1969 " 961	

(1967) 80 M L W

MLW	AIR
507 1969 Mad 116	

(1968) 81 M L W

Mad L W	AIR
257 1969 Mad 72	
281 " " 96	
334 " " 112	
342 " " 108	
375 " " 144	
376 " " 382	
387 " " 324	
402 " " 121	
413 " " 204	
418 " " 83	
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MANIPUR JUDICIAL COMMISSIONER'S COURT

1969

JUDICIAL COMMISSIONERS :

The Hon'ble Shri Jagannadhacharyulu, B.A., B.L. (up to 28-4-69).

" R. S. Bindra (From 28-4-69).

GOVERNMENT ADVOCATES:

Shri N. Ibotombi Singh, B.SC., LL.B.

• T. Munindra Kumar Singh, B.SC., LL.B. (*Asstt.*)

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—**U. P. Panchayat Raj Act (26 of 1947) (as extended to Manipur), S. 12 (c)**—Election of Sarpanch and Sahayak Sarpanch—Remedy to aggrieved party available under Rules—On facts and circumstances writ petition held maintainable—See Constitution of India, Art. 226 (Jan) 13E

—S. 44 (as extended to Manipur)—U. P. Panchayat Raj Rules (1947), R. 146 (1)—Word “shall” used in R. 146 (1), interpretation of—“Shall” is mandatory and in context of S. 44 of the Act it means “must”—Proviso to S. 44 lays down penal consequences if Sarpanch and Sahayak Sarpanch are not elected within prescribed period, in which case the prescribed authority “may” appoint Sarpanch or Sahayak Sarpanch—Hence election of Sarpanch and Sahayak Sarpanch held beyond period of one month from date of appointment of Panchas is illegal and contrary to provisions of S. 44 and R. 146 (1) (Jan) 13A

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Diss. = Dissented From in; Not F. = Not Followed in; Over. = Overruled in; Revers. = Reversed in.

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MYSORE SECTION

WITH COMPARATIVE TABLES FOR

- (1) I. L. R. MYSORE
- (2) KARNATAK LAW JOURNAL
- (3) LAW REPORTS
- (4) MYSORE LAW JOURNAL



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MYSORE HIGH COURT

1969

CHIEF JUSTICES :

The Hon'ble Mr. Justice H. Hombe Gowda, B.Sc., LL.B. (up to 1-8-1969).

" " A. R. Somnath Iyer (Ag.C.J. from 1-8-69 to 30-8-69, 24-10-69 to 22-11-69 Permanent C.J. from 23-11-69 to 29-12-69).

" " M. Sadasivayya (Ag.C.J. 31-8-69 to 23-10-69 Permanent C.J. From 30-12-69).

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Diss.=Dissented from in; Not F.=Not followed in; Over.=Overruled in; Revers.=Reversed in.

Arms Act (54 of 1959)

—S. 17 (3)—AIR 1967 Mys 238—Diss. AIR 1969 Assam 50A (May) (FB).

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—Art. 245 — AIR 1962 Mys 218—Revers. AIR 1969 S C 477B (June).

—Art. 246—AIR 1962 Mys 218 — Revers. AIR 1969 S C 477B (June).

—Art. 254 — AIR 1962 Mys 218—Revers. AIR 1969 S C 477B (June).

—Art. 309—AIR 1961 Mys 210—Diss. AIR 1969 Punj 34B (Feb).

—Art. 309, Proviso—AIR 1963 Mys 265—Over.—AIR 1969 S C 118A (Jan).

—Art. 309, Proviso—AIR 1965 Mys 25 — Over. AIR 1969 S C 118A (Jan).

—Sch. 7, List. 2, Entry 41—AIR 1961 Mys 210 — Diss. AIR 1969 Punj 34B (Feb).

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- S. 2 (b) — Reg. Appeal No. 231 of 1960, D/- 19.6.1963 (Mys) — **Revers.** A I R 1969 S C 1157 (Dec).
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- S. 2 (3) & (3), (b), (c)—('58) Reg. Appeal No. 134 of 1953, D/- 19.9.1958 (Mys) — **Revers.** A I R 1969 S C 751C, D (Sep).
 —S. 3 (3) — ('58) Reg. Appeal No. 134 of 1953, D/- 19.9.1958 (Mys) — **Revers.** A I R 1969 SC 751C (Sep).

Essential Commodities Act (10 of 1955)

- Ss. 7, 8 — (1962) 1 Cri L J 830 (Mys) — **Diss.** AIR 1969 Madh Pra 96 (May).

Income Tax Act (11 of 1922)

- S. 29—(1960) 38 I T R 197 (Mys)—**Over.** AIR 1969 S C 667A (Aug).
 —S. 46 (2)—(1960) 38 I T R 197 (Mys) — **Over.** AIR 1969 S C 667A (Aug).

Income Tax Act (43 of 1961)

- S. 156 — A I R 1968 Mys 258—**Revers.** AIR 1969 S C 408A, B (May).
 —S. 220 — AIR 1968 Mys 258 — **Revers.** AIR 1969 S C 408A (May).
 —S. 221 — A I R 1968 Mys 258—**Revers.** AIR 1969 S C 408A (May).
 —S. 222 — A I R 1968 Mys 258—**Revers.** AIR 1969 S C 408A (May).
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- S. 47 — A I R 1968 Mys 18—**Diss.** AIR 1969 J & K 16D (Jan).

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 —R. 10 (2) — (1968) 16 Law Rep 285—**Revers.** AIR 1969 S C 655C (Aug).

Mysore Existing Law (Construction of References to Values) Act (12 of 1957)

- S. 3—(1960) 38 Mys L J 567 **Held no longer good law** in view of A I R 1965 S C 560 as interpreted AIR 1969 Mys 230A (Aug).

PANCHAYATS**—Mysore Village Panchayats and Local Boards Act (10 of 1959)**

- S. 3 (2)—(1963) 1 Mys L J 150—**Over.** AIR 1969 Mys 149A (May) (FB).

Representation of the People Act (43 of 1951)

- S. 36 (2) (a)—AIR 1968 Mys 18, **Held no longer good law** in view of A I R 1968 SC 1064 in AIR 1969 J and K 36D (Mar)

SALES TAX**—Madras General Sales Tax Act (9 of 1939)**

- S. 3—(1960) 38 Mys L J 567 — **Held no longer good law** in view of AIR 1968 S C 560 as interpreted AIR 1969 Mys 230A (Aug).

MYSORE CASES OVERRULED, REVERSED AND DISSENTED FROM ETC. IN AIR 1969

Diss. = Dissented from in; Not F. = Not Followed in; Over. Overruled in;
Revers. = Reversed in.

- (‘58) Reg. Appeal No. 134 of 1953, D/- 19-9-1958 (Mys)—**Revers.** AIR 1969 S C 751A C, D (Sep).
- (‘59) AIR 1959 Mys 102—**Revers.** A I R 1969 S C 671B, D (Aug).
- (1960) 38 Mys L J 567, Canara Workshop Ltd. v. State of Mysore—**Held no longer good law in view of** AIR 1965 S C 560. AIR 1969 Mys 230A (Aug).
- (1960) 38 I T R 197 (Mys), Govindaswami v. I. T. Officer Bangalore — **Over.** AIR 1969 S C 667A (Aug).
- (‘61) AIR 1961 Mys 210, M. A. Jaleel v. State Mysore—**Diss.** AIR 1969 Punj 34B (Feb).
- (‘62) AIR 1962 Mys 218, Achiah Chetty v. State of Mysore — **Revers.** AIR 1969 S C 477B (June).
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- (‘63) AIR 1963 Mys 265, Govindaraju v. State of Mysore — **Over.** AIR 1969 S C 118A (Jan)
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- (‘63) Reg. Appeal No. 231 of 1960 D/- 19-6-1963 (Mys)—**Revers.** AIR 1969 SC 1157 (Dec).
- (‘64) Observation in A I R 1964 Mys 129 = (1963) 2 Mys LJ 41=1964 (2) Cri LJ 41, Shimangouda v. Veerappa—**Held over-** ruled by A I R 1964 S C 1541 as interpreted AIR 1969 Mys 184 (June)
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- (‘68) AIR 1968 Mys 18, K. K. Hushenkhan v. Nijalingappa—**Revers.** AIR 1969 S C 1034B (Nov).
- (‘68) AIR 1968 Mys 18=13 Law Rep 153, K. K. Hushenkhan v. Nijalingappa—**Diss.** AIR 1969 J & K 16D (Jan)
- (‘68) AIR 1968 Mys 18=13 Law Rep 153, K. K. Hushenkhan v. Siddavanhalli Nijalingappa — **Held no longer good law in view of** AIR 1968 S C 1064 in AIR 1969 J & K 36D (Mar).
- (‘68) AIR 1968 Mys 258, M. Damodar Bhat v.:Third Income-Tax Officer — **Revers.** AIR 1969 S C 408A, B, C (May)
- (1968) 16 Law Rep 285—**Revers.** A I R 1969 S C 655C (Aug).

CORRECTION

AIR 1969 Mysore 362 (V 56 C 89) (Dec).

Page 366 Col. 2 Para 29, line 18 *Add* the word ‘not’ between the words ‘was’ and “made”.

COMPARATIVE TABLES

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Owing to late receipt of other Journals the following *Supplement* to Comparative Tables of A. I. R. = Other Journals is issued.

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225	"	"	248
234	"	"	200
466	"	"	111

(1968) 2 Mys L J

Mys L J		Mys	AIR
111	1969	Mys	73
127	"	"	76

(1968) 2 Mys L J

Mys L J		Mys	AIR
133	1969	Mys	263
200	"	"	77
219	"	"	242
273	"	"	255
289	"	"	78
341	"	"	149
355	"	"	141
384	"	"	162
396	"	"	171
407	"	"	202
410	"	"	103
434	"	"	257
448	"	"	167
454	"	"	175
464	"	"	95
491	"	"	186
508	"	"	158
511	"	"	203
532	"	"	160
537	"	"	196
550	"	"	265
581	"	"	222
604	"	"	184
631	"	"	225

(1969) 1 Mys L J

Mys L J		Mys	AIR
1	1969	Mys	181
12	"	"	221
19	"	"	266
22	"	"	208
99	"	"	269
160	"	"	303
169	"	"	306
194	"	"	312
237	"	"	310
244	1970	"	13

(1969) 1 Mys L J

Mys L J		Mys	AIR
276	1969	Mys	309
284	"	"	298
290	1970	"	70
328	"	"	337
359	"	"	319
383	"	"	275
387	"	"	277
398	"	"	346
415	"	"	297
420	"	"	295
425	"	"	895
515	"	"	1163
518	"	"	360
525	"	"	300
528	"	"	73
563	"	"	1
578	"	"	34
606	"	"	313
613	1969	"	355
615	"	"	

(1969) 2 Mys L J

Mys L J		Mys	AIR
92	1970	Mys	76
94	1969	"	361
135	1970	Mys	60
187	"	"	37
179	"	"	77
187	"	"	46
234	"	"	10
264	"	"	7
284	"	"	53
320	"	"	350
332	"	"	49
580	"	"	3
587	"	"	
601	"	"	

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1969

[Vol. 56]

ORISSA SECTION

WITH COMPARATIVE TABLES FOR

- (1) I. L. R. CUTTACK (2) CUTTACK LAW TIMES
(3) ORISSA JUDICIAL DECISIONS

CITATION : A. I. R. (56) 1969 ORISSA

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ORISSA HIGH COURT

1969

CHIEF JUSTICES :

The Hon'ble Mr. Justice Satya Bhusan Barman, Bar-at-law.
" " " G. K. Misra, M.A., B.L. (From 1-5-69).

PUISNE JUDGES :

The Hon'ble Mr. Justice Gat Krishna Misra, M.A., B.L. (Up to 1-5-69).
" " " Abhimanyu Misra, B.L.
" " " Sukanta Kishore Ray, M.A., B.L.
" " " B. K. Patra, B.L.
" " " Sachidananda Acharya, B.L.
" " " R. N. Misra, M.A., LL.M. (From 4-9-69).

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cated therein — Decree prepared in High Court and costs assessed — But decree was signed by Deputy Registrar — Decree was notified and no objection was taken that costs were not assessed by Registrar—Entire cost deposited before institution of suit — Held the condition precedent was fulfilled and suit was maintainable—Under rules of High Court decree is to be signed by Deputy Registrar

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—Arts. 14, 16 — Orissa Superior Judicial Service Rules (1963), Rule 8 (2) (iii) — Rule prescribing age group for recruitment of District Judges direct from Bar — Age group indicative of sufficient maturity as basis for classification — Classification is reasonable and not discriminatory — Does not violate Art. 14 of Constitution (Sep) 237B

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—Art. 14 — Rule disqualifying married woman from being selected to posts of District Judges — Rule discriminatory on grounds of sex only — Violates Art. 14 of Constitution — See Civil Services — Orissa Superior Judicial Service Rules (1963), R. 6 (2) (Sep) 237E

—Art. 14 — Appointment to post of District Judge — Restriction against employment of woman whose husband has another wife living — Reasonable classification not violative of Art. 14 — See Civil Services — Orissa Superior Judicial Service Rules (1963), R. 6 (1), (3) (Sep) 237F

—Art. 15 — Admission to educational institution — Sudden change in basis of section to the detriment of candidate — Legality — See Constitution of India, Art. 226 (Apr) 80D

—Art. 15 (1) — Counter affidavits — Allegation that impugned Government directive

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—Art. 16 — Appointment to Orissa judicial service — Restriction against employment of person not knowing Oriya language not violative of Constitution — See Civil Services — Orissa Superior Judicial Service Rules (1963), R. 6 (4) (Sep) 237G

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—Art. 141 — First Division Bench decision No overruling by subsequent Division Bench on palpable error in former Matter should be referred to larger Bench Decision however need not be followed if it ceased to be good law by reason of Supreme Court decision — See Civil P. C. (1908), Preamble (Dec) 299B

—Arts. 226, 367, 31 — Word “person” — Managing Committee of School is a “person” — Application under Art. 226 can be filed by the Managing Committee claiming fundamental right to property (Feb) 30A

—Art. 226 — Parties Non-joinder — Writ petition challenging selection of candidates for admission to Government Medical Colleges in State List of candidates published expressly stating that candidates were ‘provisionally admitted’ and in case of their failure to report for medical examination and admission by a certain date their names would be struck off Writ petition by non-selected candidates is not unmaintainable for non-joinder of selected candidates as opposite parties especially when Court has made it clear that their selection will not be disturbed (Apr) 80A

—Arts. 226 and 15 (1) — Counter affidavits Allegation in writ petition that impugned Government directive involves discrimination solely on ground of place of birth not controverted in counter-affidavit by Government

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opposite party Allegation must be held to have been admitted and as such violative of Art. 15 (1)—(Civil P. C. (1908), O. S. R. 5)

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—*Arts. 226, 14, 15* — Admission to educational institution—Inviting of applications for admission to Medical Colleges in State on certain representation with regard to selection of candidates Candidates applying for admission acting on that representation Government directive to selection Board changing abruptly basis of selection to detriment of candidates—Legality Principle of equitable estoppel Applicability—Power of High Court to grant appropriate relief in such cases — (Evidence Act (1972), S. 115)

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—*Art. 226* — Certiorari — Principles of natural justice—Applicability to University disciplinary action - Candidate asking for materials proposed to be used against him in support of charges—Materials not supplied but used—Penalty imposed—Principles violated - Hence penalty unsustainable

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—*Arts. 226, 227*—Mineral Concession Rules (1960), Rr. 24 (3), 55 — Order of Central Government under R. 55 setting aside deemed refusal of lease and directing State Government to grant lease — State Government is bound to carry it out - On failure writ under Arts. 226, 227 for direction to carry out the order is maintainable

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—*Art. 226*—Bihar and Orissa Excise Act (2 of 1915), S. 27 Countervailing duty on foreign liquor collected by mistake - Claim for refund made within three years from date of knowledge of mistake - Writ is maintainable Limitation Act (1908), Art. 96

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—*Arts. 226 and 265*—Illegal levy of excise duty - Repayment of amount can be ordered — Orissa Excise Rules, 1965, R. 103 (1)

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—*Art. 226*—Principles of natural justice—Domestic inquiry - Action against student for mal-practices in examination hall — Mal-practices Enquiry Committee exercis-

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ing quasi-judicial function not being a Court is not bound to follow procedure prescribed for trials in Courts nor by strict rules of evidence. Held on facts and circumstances that in absence of any statutory rules principles of natural justice had been followed in course of proceedings

(Aug) 206

—*Art. 226*—Natural justice Principles of

Person required to answer charge must know accusation and also testimony by which it is sought to be proved Not a single witness examined on behalf of employer, before delinquent was subjected to examination by questions and answers - Held, enquiry was vitiated as it was not in accordance with principles of natural justice

(Sep) 209B

—*Art. 226*—Domestic enquiry—Validity—

Enquiry Committee utilising statements of witnesses without examining them in presence of delinquent, without giving him opportunity to cross-examine them and even without showing their statements to delinquent — Held enquiry was unfair and, therefore, vitiated

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—*Art. 226*—Domestic enquiry—Validity—

Report of enquiry committee only catalogue of facts or evidence without any inference or finding — After submission of report to punishing authority, he too not recording his conclusions on evidence recorded by Enquiry Committee and straightway calling upon delinquent to show cause why he should not be dismissed Held there was serious infirmity in enquiry

(Sep) 209D

—*Art. 226* — Mandamus against Government on denial of petitioner's right to pension—Petitioner, a Jamadar in Armed Police Force on contract service, opting for post-War Conditions of Service Rules which provided for contributory Provident Fund — Petitioner entitled to pension after retirement under Orissa Government Press Communique dated 5.3.1948—Concerned authorities not making appropriate deductions towards Provident Fund from his salary month to month — Petitioner held could be deemed to have contributed towards Provident Fund—He could not be penalised for omission on the part of authorities to make deductions—State Government had to recognise his right to pension under the Press Communique

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—*Art. 226*—Natural Justice—Termination of service of school teacher—No hearing given—Violation of principles of natural justice—See Education — Orissa Education Code, Art. 336

(Dec) 293

—*Art. 226* — Habeas Corpus—Order of remand under S. 344, Criminal P. C., by a

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Magistrate having no jurisdiction to try case is illegal—Detention under such order is illegal—Accused subsequently produced by police before Magistrate having jurisdiction to try case and remanded to jail custody under S. 344—*See* Criminal P. C. (1898), S. 167

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—*Art. 226* — Habeas Corpus — Accused cannot be released under S. 491, Criminal P. C., merely because of the antecedent illegality of detention when detention is legal at the relevant date — *See* Criminal P.C. (1898), S. 491

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—*Art. 227* — Orders of Central Government under R. 54 of Mineral Concession Rules (1960) — Order is judicial determination—State Government not complying with order—Writ to compel, can be issued — *See* Constitution of India, Art. 226 (July) 163A

—*Art. 227* — State Government not complying with orders of Central Government, passed under Rr. 54/55, Mineral Concession Rules (1966)—Writ to compel State Government can be issued — *See* Mines and Minerals (Regulation and Development) Act (1957), S. 28

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—*Art. 233 (2)* — Appointment of District judges — Governor to select candidates from panel recommended by High Court—Governor not clothed with unguided and arbitrary powers — Art. 14 of Constitution not violated — *See* Civil Services Orissa Superior Judicial Service Rules (1963), R. 8 (2) (iii)

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—*Art. 256* — State Government bound to carry out orders of Central Government, passed under Rr. 54 and 55 of Mineral Concession Rules (1960) — *See* Mines and Minerals (Regulation and Development) Act (1957), S. 28

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—*Art. 257* — State Government bound to carry out orders of Central Government, passed under Rr. 54 and 55 of Mineral Concession Rules (1960) — *See* Mines and Minerals (Regulation and Development) Act (1957), S. 28

(July) 165

—*Art. 268* — Delegation by President of functions of Central Government under the article — *See* Minimum Wages Act (1948), S. 3

(May) 110C

—*Art. 265*—Illegal levy of excise duty — Refund can be ordered, subject to limitation — *See* Constitution of India, Art. 226

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—*Arts. 284, 324* — Representation of the People Act (1950), S. 28 — Registration of Electors Rules, 1960 under S. 25 — Rule 33 — Price of electoral rolls — Right to recover whether of Union of India or of State Government — Suit to recover price filed by State Government held competent (Oct) 263

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—*Art. 299* — Provision is mandatory — Principle underlying it stated—Essentials of the contract under Art. 299 (July) 152C

—*Art. 299* — Mining lease executed in Form K under Rule 31, Mineral Concession Rules (1960) or as close to Form K — Sufficient compliance with Art. 299 — *See* Mines and Minerals (Regulation and Development) Act (1957), S. 28

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—*Art. 299 (1)* — Object of — Requires a formal written deed — Oral contract or contract by correspondence not within the article

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— **Art. 96** — Countervailing duty levied through mistake — Refund application within 3 years from knowledge — Application within time — On refusal of relief writ maintainable — See Constitution of India, Art. 226 (Aug) 180

— **Arts. 142-144** — Adverse possession — Orissa Tenancy Act (2 of 1913), Ss. 23, 24, 55 (c) — Kujang estate — Suit for declara-

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tion that plaintiff has acquired title of occupancy tenant by prescription — Plaintiff found to be in possession from 1940 onwards till date of suit in 1956 — Held that the plaintiff being in possession for more than the prescriptive period of 12 years acquired title of occupancy tenant — Application by tenant to recognise him as tenant by acceptance of rent did not militate against case of adverse possession of limited interest of tenancy — Distinction between adverse possession against proprietary interest and against tenant's rights, pointed out (Aug) 184A

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PATNA SECTION

WITH COMPARATIVE TABLES FOR

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(3) PATNA LAW JOURNAL REPORTS



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PATNA HIGH COURT

1969

CHIEF JUSTICE :

The Hon'ble Mr. Justice Satish Chandra Misra, M.A., B.L.

PUISNE JUDGES :

The Hon'ble Mr. Justice Ujjal Narain Sinha, Bar-at-law.

"	"	Nandlal Untwalia, M.A., B.L.
"	"	Tarkeshwar Nath, B.A., B.L. (up to 6-9-69).
"	"	Shyamnandan Prasad Singh, B.L.
"	"	Girija Nandan Prasad, M.A., B.L.
"	"	Akhaury Badrinath Singh, M.A., B.L.
"	"	Ranbir Jang Bahadur, Bar-at-law.
"	"	Saiyed Anwar Ahmad, M.A., B.L.
"	"	Kamla Kanta Dutta, M.A., B.L.
"	"	Mahendra Prasad Varma, M.A., B.L.
"	"	Krishna Ballabh Narain Singh, M.A., B.L.
"	"	Baidyanath Jha, M.A., B.L.
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"	"	Balmiki Prasad Sinha, M.A., B.L.
"	"	Prafulla Kumar Banerji, M.A., B.L.
"	"	Bhubneshwar Dhari Singh, M.A. (Bar-at-law).

ADDITIONAL JUDGES :

The Hon'ble Mr. Justice Kanhaiyaji, M.A., B.L.

" " Sayed Wasiuddin, B.A., B.L.

ADVOCATE-GENERAL;

Shri Lalnarayan Sinha, M.A., B.L.

GOVERNMENT ADVOCATE :

Shri Kanhaya Prasad:Verma, M.A., B.L. (From 7-2-69.)

GOVERNMENT PLEADERS :

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" Randhir Prasad Katriar, M.A., B.L., (No. 2).

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" Tara Kanta Jha, M.A., B.L. (No. 2).

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—S. 423 — Conviction of accused under Ss. 302/34, Penal Code — Sentence of death held should be altered to one of R. I. for life—See Penal Code (45 of 1860), Ss. 302/34

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—Ss. 18, 21, 115—Admission in the pleading of a previous suit—Admission binds the party making it in subsequent suit—Admission can be used against him in the subsequent suit—Admission by agent without instigation of or without benefit to principal is not binding on principal (Dec) 385A

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- Pre. — AIR 1961 Pat 321—Revers. AIR 1969 S C 864 (Oct).
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- S. 100 — AIR 1964 Pat 254 — Revers. AIR 1969 SC 204A (Mar).
- Ss. 100-101—1968 B L J R 374—Held no longer good law in view of AIR 1963 S C 302 as interpreted AIR 1969 Pat 128 (Apr).
- O. 9, Rr. 8 & 9—AIR 1947 Pat 298—Over. AIR 1969 S C 971A (Nov).
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- O. 22 (2)—AIR 1940 Pat 176—Over. AIR 1969 S C 575A (July).
- O. 33, R. 5—('62) First Appeal No. 140 of 1956 D/- 5-2-1962 (Pat)—Over. AIR 1969 Pat 299 (Sep) (FB).
- O. 33, R. 5—('62) First Appeal No. 119 of 1957, D/- 5-2-1962 (Pat)—Over. AIR 1969 Pat 299 (Sep) (FB).
- O. 33, R. 7—('62) First Appeal No. 140 of 1956 D/- 5-2-1962 (Pat)—Over. A I R 1969 Pat 299 (Sep) (FB).
- O. 33, R. 7—('62) First Appeal No. 119 of 1957 D/- 5-2-1962 (Pat)—Over. AIR 1969 Pat 299 (Sep) (FB).
- O. 41, R. 1.—AIR 1940 Pat 176 — Over. AIR 1969 S C 575A (July).
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- Art. 226 — (1961) 42 ITR 129 (Pat)—Diss. AIR 1969 Punj 429 (Dec).
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- S. 190—AIR 1967 Pat 416 — Diss. A I R 1969 Ker 111E (Apr).
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- S. 488 (3)—A I R 1968 Pat 139 — Diss. A I R 1969 Goa 136 (Dec).

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- S. 4—AIR 1963 Pat 350—Over. AIR 1969 Pat 294A (Sep) (FB).

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- S. 47, Expl. — AIR 1938 Pat 497 — Diss AIR 1969 All 423G (Sep).
- Ss. 101-104—AIR 1964 Pat 254—Revers. AIR 1969 S C 204B (Mar).

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- S. 5 (7-C) — (1961) 42 I T R 129 (Pat)—Diss. AIR 1969 Punj 429 (Dec).
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- S. 28 — (1966) ILR 45 Pat 121—Revers. AIR 1969 S C 1352A (Dec).
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- Sch. 3, Item 4—('64) Ref. No. 32 of 1963, D/- 25-9-1964 (Ind. Tri. Bihar) — Revers. AIR 1969 S C 306C (Mar).
- Sch. 3, Item 5 —AIR 1932 Pat 311 — Held no longer good law. AIR 1969 Pat 53D (Feb).

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- S. 3 (a)—AIR 1916 Pat 330 (1)—Held no longer good law in view of AIR 1955 S C 298 as interpreted AIR 1969 All 604A (Dec).

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PATNA CASES OVERRULED, REVERSED AND DISSENTED FROM ETC., IN A. I. R. 1969

Diss. = Dissented From in ; Not F. = Not Followed in ; Over. = Overruled in ;
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('32) AIR 1932 Pat 311 = 11 Pat 584, Secy. State v. Jamuna Das— Held no longer good law AIR 1969 Pat 53D (Feb)

('37) AIR 1937 Pat 307 = 169 Ind Cas 805, Mukhram Marwari v. Bateswar Mahton — Held no longer good law in view of AIR 1938 Pat 179 AIR 1969 Guj 222A (July)

('38) AIR 1938 Pat 497 = 40 Cri L J 27, Mahant Jagdish Das v. Emperor—Diss. AIR 1969 All 423G (Sep)

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('40) AIR 1940 Pat 176 = 20 Pat L T 801, Bodh Narain Mahto v. Mahabir Prasad — Over. AIR 1969 S C 575A (July)

('47) AIR 1947 Pat 293 = 25 Pat 595, Ramnarain v. Basudeo—Over. A I R 1969 S C 971A (Nov)

('49) AIR 1949 Pat 222 (FB), King v. Parmanand — Broad Observation by Narayan J.—Over. AIR 1969 S C 30C (Jan)

('52) AIR 1952 Pat 4 = 30 Pat 1135, Sam Narain Singh v. Raghubans Mani Prasad — Diss. AIR 1969 All 551A (Nov)

('55) A I R 1955 Pat 404 = (1955) 27 I T R 643, Hiraluxmi v. I. T. Officer, Held impliedly Overruled by A I R 1966 S C 1068 as interpreted A I R 1969 Orissa 58 (March)

('59) AIR 1959 Pat 398, Sugauli Sugar Works v. Cane Commr. — Not F. A I R 1969 Pat 8A (Jan)

('59) AIR 1959 Pat 403 = 3S Pat 431, Sasamusa Sugar Works v. Commr.—Not F. AIR 1969 Pat 8A (Jan)

('61) AIR 1961 Pat 321 (FB), Sudhir Kumar v. Nirsi Dhobin — Revers. A I R 1969 S C 864 (Oct)

(1961) 42 I T R 129 = 40 Pat 571, Murlidhar Tejpal v. Commr. of Income-tax, Patna — Diss. AIR 1969 Punj 429 (Dec)

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(1962) First Appeal No. 140 of 1956 (Pat), D/- 5.2.1962, Smt. Savitri Devi v. Bank

- of Bihar — **Over.** A I R 1969 Pat 299 (FB) (Sep)
- (62) A. F. O. D. No. 300 of 1959, D/- 3-12-1962 (Pat) — **Revers.** AIR 1969 S C 297 (April)
- (1962) First Appeal No. 119 of 1957, D/- 5-2-1962 (Pat), Bank of Bihar v. Sheo Kumari Devi — **Over.** A I R 1969 Pat 299 (FB) (Sep)
- AIR 1963 Pat 350 = 1963 B L J R 361, Lakhi Narayan Sao v. Smt. Bhagwati Kuer — **Over.** AIR 1969 Pat 294A (FB) (Sep)
- (63) AIR 1963 Pat 412 = 1963 B L J R 802 (FB), Sidheshwar Prasad Singh v. Ram Saroop — **Over.** A I R 1969 S C 971B (Nov)
- (64) A I R 1964 Pat 76 = 1964 B L J R 34, Ramsarup Singh v. Muneshwar Singh — **Diss.** AIR 1969 Mad 235A (June)
- (64) AIR 1964 Pat 180 = 1964 B L J R 672, Jagadish Vastralaya v. State of Bihar — **Over.** AIR 1969 S C 992C (Nov)
- (64) A I R 1964 Pat 254, Dhankisto Mandal v. Ramkisto Mandal — **Revers.** AIR 1969 S C 204 A, B, C (March)
- (64) Ref. No. 32 of 1963, D/- 28-9-1964 (I. T. Bihar) — **Revers.** AIR 1969 S C 306A, C (April)
- (64) Decision of Misra J., in Compensation Appeal No. 1 of 1964 (Pat) — **Revers.** AIR 1969 Pat 48A, B (Feb)
- (1964) S. A. No. 571 of 1963, D/- 10-8-1964 (Pat), Satyanarayan Morarka v. Motilal — **Over.** AIR 1969 Pat 331 (Oct)
- (65) AIR 1965 Pat 491, Laddu Mal v. State of Bihar — **Diss.** A I R 1969 Punj 79B (March)
- (65) Cri. Appeal No. 545 of 1962, D/- 9-2-1965 (Pat) — **Revers.** A I R 1969 S C 53 (Jan)
- (1966) ILR 45 Pat 121, Kirkend Coal Company, Kursunda v. Commr. of I. T., Patna — **Revers.** AIR 1969 S C 1352A (Dec)
- AIR 1967 Pat 243 = 46 Pat 580, Sakalbaso Kaur v. Brijindra Singh — **Diss.** A I R 1969 Mys 313 (Oct)
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- 1967 B L J R 537 — **Revers.** A I R 1969 S C 707B (Aug)
- (67) Cri. App. No. 4 of 1967, D/- 10-11-1967 (Pat) — **Revers.** AIR 1969 S C 7 (Jan)
- A I R 1968 Pat 139 = 1968 Cri L J 539, Subagi Devi v. Murli Pradhan — **Diss.** AIR 1969 Goa 136 (Dec)
- (68) 1968 B L J R 374 = 1968 B L J R 359, Sheikh Bashiruddin v. Dhani Mohammed — **Held no longer good law in view of** AIR 1963 S C 302 as interpreted AIR 1969 Pat 128 (April)
- 1968 Pat L J R 384, Hiralal Agrawal v. Ram-padarath Singh — **Revers.** A I R 1969 S C 244C, E (March)

COMPARATIVE TABLES

Supplement to Comparative Tables of A. I. R. of Previous years.

Owing to late receipt of other Journals the following *supplement* to comparative tables of A. I. R. = Other Journals is issued.

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1969

[Vol. 56]

PUNJAB AND HARYANA SECTION

WITH COMPARATIVE TABLES FOR

- (1) I. L. R. PUNJAB.
- (2) CURRENT INDIAN STATUTES (IMPORTANT JUDGMENTS)
- (3) CURRENT LAW JOURNAL
- (4) PUNJAB LAW JOURNAL
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PUNJAB HIGH COURT

1969

CHIEF JUSTICE :

The Hon'ble Mr. Justice Mehar Singh, Bar-at-law.

PUISNE JUDGES :

The Hon'ble Mr. Justice S. B. Kapur, i.c.s. (Retired on 14-1-69).

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"	"	Gopal Singh, B.Sc., LL.B.
"	"	Bal Raj Tuli, B.A. (Hons), LL.B.

ADDITIONAL JUDGES :

The Hon'ble Mr. Justice Anand Dev Koshal, B.A., LL.B.

"	"	Surjit Singh Sandhawalia, B.A. (Hons.) LL.B.
"	"	Prem Chand Jain, B.A., LL.B.
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- S. 40 — AIR 1966 Punj 141 — **Revers.** AIR 1969 S C 483 (June).

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- S. 16 (1) — ('66) Civil Writ No. 2417 of 1965 D/- 9-8-1966 (Punj) — **Revers.** AIR 1969 Punj 4 (Jan)

East Punjab Factories (Control of Dismantling) Act (20 of 1948)

- S. 3 — ('61) L. P. A. No. 405 of 1958, D/- 3-10-1961 (Punj) — **Revers.** AIR 1969 S C 27 (Jan).

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- S. 159 — AIR 1932 Lah 7 — **Over.** AIR 1969 S C 851A (Oct).
- S. 159 — AIR 1938 Lah 629 — **Over.** AIR 1969 S C 851A (Oct).
- S. 160 — AIR 1932 Lah 7 — **Over.** AIR 1969 S C 851A (Oct).
- S. 160 — AIR 1938 Lah 629 — **Over.** AIR 1969 S C 851A (Oct).

HINDU LAW — DEBTS

- AIR 1935 Lah 1 — **Diss.** AIR 1969 All 155 (Apr).

Hindu Marriage Act (25 of 1955)

- S. 10 (1) (a) — ('56) F. A. O. No. 54 of 1954, D/- 20-9-1956 (Punj) — **Over.** AIR 1969 Punj 69 (Mar).
- S. 10 (1) (a) — ('56) F. A. O. No. 95 of 1954, D/- 18-9-1956 (Punj) — **Over.** AIR 1969 Punj 69 (Mar).
- S. 10 (1) (a) — ('66) L. P. A. 263 of 1966, D/- 1-8-1966 (Punj) — **Revers.** AIR 1969 Punj 69 (Mar).
- S. 12 — ('56) F. A. O. No. 54 of 1954, D/- 20-9-1956 (Punj) — **Over.** AIR 1969 Punj 69 (Mar).
- S. 12 — ('56) F. A. O. No. 95 of 1954, D/- 18-9-1956 (Punj) — **Over.** AIR 1969 Punj 69 (Mar).
- S. 12 — ('66) L. P. A. 263 of 1966, D/- 1-8-1966 (Punj) — **Revers.** AIR 1969 Punj 69 (Mar).
- S. 23 — ('56) F. A. O. No. 54 of 1954, D/- 20-9-1956 (Punj) — **Over.** AIR 1969 Punj 69 (Mar).

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- S. 23 — ('56) F. A. O. No. 95 of 1954 D/- 18-9-1956 (Punj) — **Over.** A I R 1969 Punj 69 (Mar).
- S. 23 — ('66) L. P. A. 263 of 1966, D/- 1-8-1966 (Punj) — **Revers.** A I R 1969 Punj 69 (Mar).
- S. 28 — ('56) F. A. O. No. 54 of 1954, D/- 20-9-1956 (Punj) — **Over.** A I R 1969 Punj 69 (Mar).
- S. 28 — ('56) F. A. No. 95 of 1954, D/- 18-9-1956 (Punj) — **Over.** A I R 1969 Punj 69 (Mar).
- S. 28 — ('66) L. P. A. 263 of 1966, D/- 1-8-1966 (Punj) — **Revers.** A I R 1969 Punj 69 (Mar).

Hindu Succession Act (30 of 1956)

- S. 2 — ('63) S. A. No. 254 of 1962 D/- 18-11-1963 (Punj) — **Revers.** AIR 1969 S C 1144A (Dec).
- S. 4 (1) — ('63) S. A. No. 254 of 1962 D/- 18-11-63 (Punj) — **Revers.** AIR 1969 S C 1144A (Dec).

HOUSES AND RENTS**—East Punjab Urban Rent Restriction Act (3 of 1949)**

- S. 13 — AIR 1952 Punj 422 — **Over.** AIR 1969 Punj 110 (FB) (Apr).
- S. 13 (1) & (2) — A I R 1933 Lah 134 — **Diss.** AIR 1969 Punj 26 (Jan)
- S. 13 (2) (i) — I L R (1964) 1 Punj 626 — **Over.** AIR 1969 S C 1273 (Dec).
- S. 13 (2) (i) — Civ. Revn. No. 750 of 1962 D/- 18-3-1964 (Punj) — **Revers.** A I R 1969 S C 1273 (Dec).
- S. 13 (3) (a) (ii) — ('61) Civil Revn. No. 165 of 1960, D/- 7-4-1961 (Punj) — **Held No Longer good Law** in view of A I R 1967 Punj 297 (FB) as interpreted. AIR 1969 Punj 270G (Aug).
- S. 13 (2), Cl. (1), Proviso — 1966 Cur L J 530 (Punj) — **Over.** A I R 1969 Punj 367B (Oct).

Industrial Disputes Act (14 of 1947)

- S. 10 — AIR 1966 Punj 354 — **Diss.** A I R 1969 Raj 95A (Mar).
- S. 10 (1) — AIR 1966 Punj 354 — **Diss.** AIR 1969 Madh-Pra 174 (Sep).
- S. 12 (5) — A I R 1966 Punj 354 — **Diss.** AIR 1969 Raj 95A (Mar).

Land Acquisition Act (1 of 1894)

- S. 18 — AIR 1953 Punj 490 — **Diss.** A I R 1969 Pat 131 (Apr).

Limitation Act (9 of 1908)

- S. 20 — ('12) Observations in (1912) 14 Ind Cas 335 (Lah)—Not. F. AIR 1969 Cal 390A (Aug).
- Art. 102—R. F. A. No. 8-D of 1964 D/- 6.9.1966 (Punj)—Over. AIR 1969 Punj 441A (FB) (Dec).
- Art. 102—ILR (1966) 1 Punj 302—Over. AIR 1969 Punj 441A (FB) (Dec).
- Art. 102—(1967) 1 Ser L R 594 (Punj)—Over. AIR 1969 Punj 441A (FB) (Dec.).
- Art. 181—AIR 1952 Panj 423 — Held no longer good law in view of A I R 1967 S C 990 as interpreted AIR 1969 All 518 (FB) (Nov).
- Art. 183 — Observation in (1961) 14 Ind Cas 335 (Lah) — Not F. A I R 1969 Cal 390A (Aug).

Limitation Act (36 of 1963)

- S. 5 — (1968) 79 Pun L R (D) 332 — Revers. AIR 1969 S C 575B (July).
- Arts. 64, 65—AIR 1932 Sind 35 — Diss. AIR 1969 Orissa 54 (Mar).

Motor Vehicles Act (4 of 1939)

- S. 110F—AIR 1962 Punj 307—Held overruled by A I R 1965 Punj 102 as interpreted AIR 1969 Raj 316 (Dec).

Pakistan (Administration of Evacuee Property) Ordinance (15 of 1949)

- S. 45—C. R. D. 104D of 1958, D/- 12.9.1963 (Punj) — Revers. A I R 1969 S C 1330B (Dec).

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- S. 4—A I R 1956 Punj 24 — Partly Diss. from. AIR 1969 Guj 178C (June)
- S. 63—AIR 1956 Punj 24 — Partly Diss. from. AIR 1969 Guj 178C (June)
- S. 69 (2) — A I R 1956 Punj 24—Partly Diss. from. AIR 1969 Guj 178C (June).

Payment of Wages Act (4 of 1936)

- S. 2 (vi) (d) (as amended by Act 68 of 1957) — (1967) 1 Lab L J 232 (Punj)—Over. AIR 1969 S C 590 (July).
- S. 15 (2)—(1967) 1 Lab L J 232 (Punj)—Over. AIR 1969 S C 590 (July).

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- S. 8 — S. A. No. 254 of 1962, D/- 18.11.1963 (Punj) — Revers. A I R 1969 S C 1144A (Dec).

Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance (1 of 1968)

- S. 3—ILR (1968) 2 Punj & Har 42 (FB) — Revers. AIR 1969 S C 903F (Oct).

Punjab Pre-Emption Act (1 of 1913)

- S. 15 (1) (b), Thirdly (as amended, Punjab Act 10 of 1960) — 1968-70 Pun L R 571 — Over. AIR 1969 Delhi 154B (May) (FB).

SALES TAX**—Punjab General Sales Tax Act (46 of 1946)**

- S. 5 (2) (a) (vi) — (1964) 15 S T C 865 (Punj) — Over. A I R 1969 S C 1073 (Nov).
- S. 5 (2) (a) (vi) — ('64) Civil Writ Nos. 2159, 2309 of 1963, D/- 23.9.1964 (Punj) — Revers. A I R 1969 S C 1073 (Nov).

STAMP DUTY**—Stamp Act (2 of 1899)**

- S. 2 (14), (10), (6), (12) — AIR 1936 Lah 449 (SB) — Diss. A I R 1969 Mad 1A (FB) (Jan).
- Sch. 1, Art. 12—AIR 1936 Lah 449 (SB) — Diss. AIR 1969 Mad 1A (FB) (Jan).

States Reorganisation Act (37 of 1956)

- S. 115 — AIR 1969 Punj 34 — Held not good law in view of A I R 1968 S C 850 as interpreted A I R 1969 Mys 362 (Dec).

TENANCY LAWS**—Punjab Security of Land Tenures Act (10 of 1953)**

- S. 19-A—(1967) 69 Pun L R 319 — Over. AIR 1969 Punj 422 (FB) (Dec).

Transfer of Property Act (4 of 1882)

- S. 116—1898 Pun Re 33—Diss. AIR 1969 Delhi 59 (Feb).
- S. 116—1904 Pun Re 5 — Diss. AIR 1969 Delhi 59 (Feb).
- S. 116—AIR 1919 Lah 72 — Diss. A I R 1969 Delhi 59 (Feb).
- S. 116—AIR 1924 Lah 643—Diss. A I R 1969 Delhi 59 (Feb).
- S. 116—F. A. No. 190 of 1944, D/- 8.9.1948 (Lah) — Diss. AIR 1969 Delhi 59 (Feb).
- S. 116—('48) Civ. Revn. No. 248 of 1948 D/- 3.9.1948 (Lah) — Diss. A I R 1969 Delhi 59 (Feb).

**PUNJAB CASES OVERRULED, REVERSED AND DISSENTED FROM ETC.,
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Diss.=Dissented From in; Over.=Overruled in; Revers.=Reversed in.

- (1898) Pun Re 33, Ganga Singh v. Mst. Shib Devi—Diss. AIR 1969 Delhi 59 (Feb).
- (1904) Pun Re 5 = 42 Pun L R 1904, Purbha Dial v. Ram Chand—Diss. AIR 1969 Delhi 59 (Feb).
- Observations in (1912) 14 Ind Cas 335 = 155 Pun L R 1012, Ramdas v. Kanshiram—Not F. AIR 1969 Cal 390A (Aug).
- AIR 1919 Lah 72 = 1918 Pun Re 70, Madan Mohan Lal v. B. Barooah and Co.—Diss. AIR 1969 Delhi 59 (Feb).
- AIR 1924 Lah 643 = 75 Ind Cas 1034, Rure Khan v. Gulam Muhamed—Diss. AIR 1969 Delhi 59 (Feb).
- AIR 1925 Lah 334=26 Cri L J 731, Batan Singh v. Emperor—Diss. AIR 1969 Delhi 133 (May).
- AIR 1929 Lah 223=1930 Cri L J 411, Diwan Chand v. Emperor—Diss. AIR 1969 Ker 188A (June).
- AIR 1932 Lah 7=32 Cri L J 1172, Jagan Nath v. Emperor—Over. AIR 1969 S C 851A (Oct).
- AIR 1932 Sind 35=26 Sind L R 127, Gagulmal Metharam v. Allahbux—Diss. AIR 1969 Orissa 54 (Mar).
- AIR 1933 Lah 134=34 Pun L R 162, Rattan Sen v. Krishan Kaur — Diss. AIR 1969 Punj 26 (Jan).
- AIR 1933 Lah 409=34 Cri L J 342, Prem Kuar v. Benarasi Das — Diss. AIR 1969 Raj 82A (Mar).
- AIR 1935 Lah 1 = 157 Ind Cas 739, Jai Kishen v. Ram Chand—Diss. AIR 1969 All 155 (Apr).
- AIR 1936 Lah 449=ILR 17 Lah 223 (SB), Shamdin v. Collector Amritsar—DISS. AIR 1969 Mad 1A (FB) (Jan).
- AIR 1937 Sind 279=172 Ind Cas 403, Sultanul-Malak Ali v. Sultan Ali Gohar — Diss. AIR 1969 Andh Pra 216A (July).
- AIR 1938 Lah 361=40 Pun L R 413 (FB), Jagat Ram v. Misai Kharaiti Ram — Doubtad in view of AIR 1958 S C 767 as interpreted A I R 1969 Punj 308A (Sep).
- AIR 1938 Lah 629=39 Cri L J 930, Sodhi Pindi Das v. Emperor—Over. AIR 1969 S C 851A (Oct).
- AIR 1943 Sind 107=44 Cri L J 502, Emperor v. Udho Chandumal — Diss. AIR 1969 Guj 1A (FB) (Jan).
- (48) F. A. No. 190 of 1944, D/- 8-9-1948 (Lah), Nabi Baksh Mahomed Hussain v. Ram Kanwar Das—Diss. AIR 1969 Delhi 59 (Feb).
- (48) Civil Revn. No. 248 of 1948, D/- 3-9-1948 (Lah) — Diss. AIR 1969 Delhi 59 (Feb).
- AIR 1950 Lah 43 = Pak Cas 1950 Lah 162, Krishan Lal v. Madan Lal — Held no longer good law in view of AIR 1964 S C 993 as interpreted A I R 1969 Orissa 261 (Oct).
- AIR 1952 Punj 422=54 Punj L R 358, Bawa Singh v. Kundan Lal—Over. AIR 1969 Punj 110 (FB) (Apr).
- AIR 1952 Punj 423 = ILR (1952) Punj 524, Union of India v. Firm Kiroo Mal Nawal Kishore — Held no longer good law in view of AIR 1967 S C 990 as interpreted A I R 1969 All 518 (FB) (Nov).
- AIR 1956 Punj 24=ILR (1957) Punj 27, Dr. V. S. Bahal v. S. L. Kapur & Co. — Partly Diss. from, AIR 1969 Guj 178C (June).
- (56) F. A. O. No. 54 of 1954, D/- 20-9-1956 (Punj), Jagdish Chand v. Vir Singh — Over. AIR 1969 Punj 69 (Mar).
- (56) F. A. O. No. 95 of 1954, D/- 18-9-1956 (Punj), Khazan Chand v. Hans Raj — Over. AIR 1969 Punj 69 (Mar).
- AIR 1958 Punj 490 = ILR (1958) Punj 854, Hari Krishna Khosla v. State of Punjab — Diss. AIR 1969 Pat 131 (Apr).
- AIR 1960 Punj 394=62 Pun L R 170, Lachhman Das Makhanlal v. State of Punjab — Over. AIR 1969 Punj 379B (FB) (Oct).
- (61) Civil Revn. No. 165 of 1960, D/- 7-4-1961 (Punj), S. Pratap Singh v. Santosh Singh — Held no longer good law in view of A I R 1967 Punj 297 (FB) as interpreted AIR 1969 Punj 270G (Aug).
- (61) L. P. A. No. 405 of 1958, D/- 3-10-1961 (Punj) — Revers. A I R 1969 S C 27 (Jan).
- AIR 1962 Punj 307=63 Pun L R 524, Mulak Raj Bhola Shah v. Northern India Goods Transport Corporation Ltd. — Held overruled by AIR 1965 Punj 102 as interpreted A I R 1969 Raj 316 (Dec).
- AIR 1963 Punj 336, Railway Board v. Niranjan Singh — Revers. AIR 1969 S C 966A, C (Nov).
- (1963) C. R. D. 104-D of 1958, D/- 12-9-1963 (Punj) — Revers. AIR 1969 S C 1330B (Dec).
- (1963) S. A. No. 254 of 1962, D/- 18-11-1963 (Punj)—Revers. AIR 1969 S C 1144A (Dec).
- ILR (1964) 1 Punj 626 = 66 Pun L R 93, Mam Chand v. Chhotu Ram — Over. AIR 1969 S C 1273 (Dec).
- 1964-15 S T C 865 (Punj), Patel Cotton Co.

- Private Ltd. v. State of Punjab — **Over.** AIR 1969 S C 1070 (Nov).
- (1964) Civ. Revn. No. 750 of 1962, D/- 18-3-1964 (Punj)—**Revers.** AIR 1969 S C 1273 (Dec).
- (64) Civil Writs Nos. 2959 & 2309 of 1963, D/- 28-9-1964 (Punj) — **Revers.** AIR 1969 S C 1073 (Nov).
- AIR 1966 Punj 141=ILR (1965) 2 Punj 576 = 1966 Cri L J 434, Harichand v. Batala Engineering Co.—**Revers.** AIR 1969 S C 483 (June).
- AIR 1966 Punj 354 = ILR (1966) 2 Punj 498, Gondhara Transport Co. (Pvt.) Ltd. v. State of Punjab—**Diss.** A I R 1969 Madh Pra 174 (Sep).
- AIR 1966 Punj 354 = 1966 Cur L J 203 = ILR (1966) 2 Punj 498, Gondhara Transport Co. (P.) Ltd. v. State — **Diss.** AIR 1969 Raj 95A (Mar).
- AIR 1966 Punj 443, Suresh Kumar v. Union of India—**Revers.** AIR 1969 Punj 257C (Aug).
- ILR (1966) 1 Punj 302 = 67 Pun L R 1092, K. K. Jaggia v. State of Punjab — **Over.** AIR 1969 Punj 441A (FB) (Dec).
- 1966 Cur L J 530 (Punj), Lachman Dass v. Satya Pal—**Over.** AIR 1969 Punj 367B (Oct).
- (1966) R. F. A. No. 8-D of 1964, D/- 6-9-1966 (Punj), Union of India v. Maharaj — **Over.** AIR 1969 Punj 441A (FB) (Dec).
- Cri. Revn. No. 34M of 1965, D/- 4-2-1966 (Punj) — **Revers.** A I R 1969 S C 355B (May).
- Civil Writ No. 2417 of 1965, D/- 9-8-1966 (Punj) — **Revers.** A I R 1969 Punj 4 (Jan).
- L. P. A. 263 of 1966, D/- 1-8-1966 (Punj) — **Revers.** AIR 1969 Punj 69 (Mar).
- (1967) 1 Lab L J 232=67 Pun L R 1124, Uttam Chand v. Kartar Singh — **Over.** AIR 1969 S C 590 (July).
- (1967) 69 Pun L R 319=1967 Cur L J 200, Kartar Singh v. Ghukar Singh—**Over.** AIR 1969 Punj 422 (FB) (Dec).
- (1967) 1 Ser L R 594=69 Punj L R 430, State of Punjab v. Ram Singh Brar — **Over.** AIR 1969 Punj 441A (FB) (Dec).
- L. P. A. No. 37 of 1967, D/- 3-5-1967 (Punj) — **Revers.** AIR 1969 S C 1126B (Dec).
- AIR 1968 Punj 301=1968 Cri L J 971, Maharaj Kumar Gajbir Singh v. Maharaj Satbir Singh — **Diss.** AIR 1969 Assam 81B (July).
- A I R 1968 Punj 391=70 Pun L R 935, Mohinder Singh Sowhney v. State of Punjab — **Over.** AIR 1969 S C 1100A (Nov).
- I L R (1968) 2 Punj & Hariyana 42 (FB), Satya Pal Dang v. State of Punjab — **Revers.** A I R 1969 S C 903E, F, G. (Oct).
- (1968) 70 Pun L R 571=I L R (1968) 1 Punj 693, Hira v. Bir Singh—**Over.** A I R 1969 Delhi 154B (FB) (May).
- (1968) 70 Pun L R (D) 332, Shakuntala Devi Jain v. Kanta Kumari — **Revers.** AIR 1969 S C 575B (July).
- Cri. Original No. 111 of 1967, D/- 3-1-1968 (P. & H.)—**Revers.** AIR 1969 Punj 60E (Feb).
- Civil Revn. No. 422 of 1968, D/- 22-5-1968 (Punj) — **Revers.** A I R 1969 S C 938 (Nov).
- AIR 1969 Punj 34=I L R (1968) 1 Punj 201, K. C. Gupta v. Union of India—**Held not good law** in view of AIR 1968 S C 850 in AIR 1969 Mys 362 (Dec).

COMPARATIVE TABLES

Supplement to Comparative Tables of A. I. R. of Previous Years

Owing to late receipt of Other Journals the following Supplement to Comparative tables of A. I. R. = Other Journals is issued

A. I. R. Punjab = Other Journals

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242	(1969) 1 Lab L J 367	106	1968 Serv L R 619	403	1968 Serv L R 478	499	1968 Serv L R 484
		253	1968 Serv L R 183	406	ILR (1969) 1	514	35 F J R 94
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76	(1969) 2 Lab L J 247	376	1969 Cur L J 387	441	ILR (1969) 1		Punj 267
279	(1969) 1 Lab L J 679		ILR (1969) 1		Punj 176	529	ILR (1969) 1
342	(1969) 1 Lab L J 472		Punj 661	476	70 I T R 249		Punj 70
416	(1969) 2 Lab L J 252	389	ILR (1969) 1	499	ILR (1969) 1	548	ILR (1969) 1
450	(1969) 1 Lab L J 452		Punj 260		Punj 23		Punj 672
		891	ILR (1969) 1 Punj 1				

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Other Journals	AIR	Other Journals	AIR	Other Journals	AIR
1 [C N 1] 1968 Cur L J 770	73 [C N 15] ...	197 [C N 34] ...	350 [C N 60] 1969 Cur L J 325	1968 Cur L J 668	71 Pun L R 519
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25 [C N 5] ILR (1969) 2 Punj 365	101 [C N 19] 1969 Cri L J 506	207 [C N 38] 71 Pun L R 248 ILR (1969) 2 Punj 665	365 [C N 63] ...	22 S T C 335	
26 [C N 6] 70 Punj L R 720 1968 Cur L J 607 ILR (1969) 1 Punj 440	104 [C N 20] ILR (1969) 2 Punj 484	214 [C N 39] ...	367 [C N 64] 1969 Cur L J 415	ILR (1969) 2	71 Pun L R 571
34 [C N 7] ILR (1968) 1 Punj 204	110 [C N 21] FB 1968 Cur L J 947 70 Pun L R 1011 ILR (1969) 1 Punj 182	216 [C N 40] ILR (1968) 2 Punj 660	372 [C N 65] 1968 Cur L J 793	ILR (1969) 2	70 Pun L R 968
44 [C N 8] 1968 Cur L J 658 70 Punj L R 865 ILR (1969) 1 Punj 406	131 [C N 22] 1969 Renc O R 1	225 [C N 41] 1969 Cri L J 932 ILR (1969) 2 Punj 173	376 [C N 66] ILR (1968) 1 Punj 146	1969 Lab I C 127	
50 [C N 9] ILR (1969) 1 Punj 456	139 [C N 23] 70 Pun L R 712 1968 Cur L J 598	244 [C N 42] 71 Pun L R 152	379 [C N 67] FB 70 Pun L R 990 ILR (1968) 2 Punj 695	ILR (1969) 1	
57 [C N 10] 70 Pun L R 451 ILR (1969) 2 Punj 309	144 [C N 24] ...	250 [C N 43] 71 Pun L R 141	387 [C N 68] 1969 Cur L J 242	ILR (1969) 1	71 Pun L R 581
60 [C N 11] 70 Pun L R 1042 1969 Cri L J 320 ILR (1969) 2 Punj 385	147 [C N 25] ILR (1968) 2 Punj 371	256 [C N 44] 71 Pun L R 177	391 [C N 69] 1969 Lab I C 1406	1969 Lab I C 127	71 Pun L R 1047
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66 [C N 13] 1968 Cur L J 491 ILR (1969) 1 Punj 523	159 [C N 27] 1968 Cur L J 907 ILR (1969) 1 Punj 613	270 [C N 46] 70 Pun L R 913 ILR (1969) 1 Punj 274	397 [C N 71] FB ILR (1968) 2 Punj 714	ILR (1969) 1	
69 [C N 14] 70 Pun L R 643 1968 Cur L J 622 ILR (1969) 1 Punj 393	161 [C N 28] 1968 Cur L J 846 1969 Lab I C 585 1968 Serv L R 764 ILR (1969) 2 Punj 496	285 [C N 47] 1968 Cur L T 918 70 Pun L R 1112 ILR (1969) 2 Punj 534	422 [C N 72] FB 1969 Cur L J 641 ILR (1969) 2 Punj 205	ILR (1969) 2	71 Pun L R 782
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Other Journals = All India Reporter														
ILR (1968) 1 Punjab			ILR (1958) 2 Punjab			ILR (1959) 1 Punjab			ILR (1959) 1 Punjab			ILR (1969) 2 Punjab		
ILR	AIR		ILR	AIR		ILR	AIR		ILR	AIR		ILR	AIR	
146	1969 Punjab	376	660	1969	216	70	1968 Punjab	529	440	1969 Punjab	26	23	1969 Punjab	12
3	1970	81	695	"	379	103	1969	257	456	"	50	96	"	441
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92	"	"	340
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322	"	"	363

1969 Cur L J			
CurLJ	AIR		
325	1969	Punj	350
348	"	SC	1165
354	"	"	1073
377	"	"	971
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1969

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RAJASTHAN SECTION

WITH COMPARATIVE TABLES FOR

(1) I. L. R. RAJASTHAN

(2) RAJASTHAN LAW WEEKLY

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RAJASTHAN HIGH COURT

1969

CHIEF JUSTICES :

The Hon'ble Mr Justice Daulat Mal Bhandari, M.A., LL. B. up to 15-12-69.

" " Jagat Narayan, C. E. (HONS.) I. C. S. From 16-12-69.

PUISNE JUDGES :

The Hon'ble Mr. Justice Jagat Narayan, C. E. (HONS), I. C. S. up to 15-12-69.

" " Lakshmi Narayan Chhangani, M.A., LL. B.

" " Chandra Bhan Bhargava, B.A., LL. B.

" " Bhagwati Prasad Beri, B.A., LL.B.

" " Prakash Narayan Singhal, M.A., LL.B.

" " Ved Pal Tyagi, B.Sc., LL.B.

" " Kan Singh, B.A. LL.B.

" " Lehar Singh Mehta, B.A., LL.B.

ADDITIONAL JUDGES :

The Hon'ble Mr. Justice Chand Mal Lodha, B.A. LL.B.

" " S. N. Modi From 1-3-69.

ADVOCATE-GENERAL :

Shri Gulabchand Kasliwal, M.A., LL.B.

GOVERNMENT-ADVOCATES :

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" B. C. Chatterjee, B.A., LL.B. (*Addl. Advocate-General cum Govt.-Advocate From 19-9-69.*)

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—S. 25-FF — Workmen employed in an industry run by State Government cannot be transferred to a department not an industry — See Rajasthan Civil Service Rules (1951), R. 20 (Mar) 68B

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—S. 18-G — Permission to remove
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—S. 25 — Under Act power of Central Government can be delegated only to an officer or an authority — Delegation to Cement Corporation of India which is a trading corporation is ultra vires, the Corporation being neither an office nor an authority — Definition of Controller in Cl. 2 (b) of Cement Control Order is bad and must be struck down

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(1882), S. 18 Illustration (b)

Limitation Act (9 of 1908), S. 4 — Order by District Judge to deposit costs of opposite party within 30 days of order — Last day being public holiday deposit

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—Ss. 47 (3) and 48 — Powers of Regional Transport Authority under S. 48 controlled by Section 47 (3) — For restricting rights of authority, a resolution of Regional Transport Authority limiting number of stage carriages, must exist — Preparation or taking steps for passing resolution — No bar against his rights under S. 48 and action if taken is not without jurisdiction (Aug) 228C

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—S. 57 (3) — Grant of permit — Preference in — Representation against preference not made — Does not affect right to challenge permit in writ petition — See Constitution of India, Art. 226 (Jun) 173B

—S. 57 (3) — Grant of permit for route other than specified in the application is illegal — Liable to be quashed in writ proceedings preferred by aggrieved party — Whether representation under the section filed earlier is immaterial — See Motor Vehicles Act (1939), S. 48 (1) (Jun) 173C

—S. 59 (1) — Contract Act (1872), Sections 23, 65 — Transfer of motor vehicle permit without permission of Transport Authority — Such transfer is forbidden by Section 59 (1), M. V. Act and therefore is unlawful under Section 23, Contract Act — Transfer illegal to knowledge of parties — Benefit of Section 65 is not available — Maxim "ex turpi causa non oritur actio" — Applicability (May) 155

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—S. 68-C — Scheme under, merely mentioning number of services to be provided on route — Scheme not bad for want of provision for timings (Aug) 233E

—Ss. 68-D and 68-I — Rules under Section 68-I, Rule 6 — Scheme under Section 68-D — Hearing of objections and approval of scheme — State Government acts as quasi judicial authority — Delegation of function to Joint Legal Remembrancer is not invalid or inoperative — (Constitution of India, Art. 166) — (Rajasthan State Road Transport Services) (Development) Rules (1965), R. 6 (Aug) 233A

—S. 68-D — Nature of hearing contemplated indicated (Aug) 233D

—S. 68-I — Rules under — Hearing of objections to Scheme by State Government — Function is quasi-judicial — Delegation of function to Joint Legal Remembrancer valid — See Motor Vehicles Act (1939), Section 68-D (Aug) 233A

—S. 96 — Insurance claim — Insured negligent in defending suit — Right reserved in policy for insurer to defend action in insured's name — Insured should be allowed to do so under Section 151, Civil P. C. — See Civil P. C. (1908), Section 151 (Dec) 315

—S. 110 — Claims Tribunal constituted after 60 days of accident — Suit for compensation after constitution of Tribunal — Jurisdiction of Civil Court held barred — See Motor Vehicles Act (1939), Section 110-F (Dec) 316

—S. 110-A (3) — Tribunal has discretion to entertain application even after expiry of sixty days — See Motor Vehicles Act (1939), Section 110-F (Dec) 316

—Ss. 110-F, 110 and 110-A (3) — Scope — Accident — Change of forum from Civil Court to Claims Tribunal — No vested right in litigant — Claims Tribunal constituted after 60 days of accident — Suit for compensation after constitution of Tribunal — Jurisdiction of Civil Court held barred — By virtue of Section 110-A (3), Tribunal has discretion to entertain application even after expiry of sixty days — AIR 1964 Madh Pra 133 and 1962 MPLJ 465, Dissented from; AIR 1962 Punj 307, held overruled by AIR 1965 Punj 102 (Dec) 316

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—S. 78 — Powers of Municipal Chairman under Section 67 (d) — Includes power to file complaint under Section 20 of Food Adulteration Act — Specific delegation under Section 78 not necessary — See Municipalities — Rajasthan Municipalities Act (38 of 1959), S. 67 (d)

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—Rajasthan Panchayat and Nyaya Panchayat Election Rules (1960), Rr. 30 and 39 — Ballot paper translucent — Lines demarcating compartments and symbols clearly visible on back side — Ballot paper marked by voter on the reverse — Paper valid (Mar) 92A

—R. 30 — Ballot paper — Question of validity of, whether question of law — See Constitution of India, Article 226

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—S. 304-A — Run over accident — Rashness and negligence on part of driver not directly established — Some mechanical defect in vehicle not detectable without thorough examination — Criminal liability cannot be fastened on driver in case of fatal accident (Mar) 86B

—S. 406 — Property entrusted at place B — Offences under Section 406 and Section 411 committed at place J. — Both persons committing offences under Sections 406 and 411 could be tried together at place B. — See Criminal P. C. (1898), Section 239 (e) (Oct) 266

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—S. 511 — "Attempt" — Act towards attempt need not be the penultimate act towards commission of offence — It can fall at any stage during series of acts which go to constitute offence (Mar) 65

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—S. 16 — Conviction under — Sale of adulterated food article must be proved (Jan) 16D

—S. 20 — Chairman of Municipal Committee — Has power to institute a complaint for prosecution of accused under the section — See Municipalities — Rajasthan Municipalities Act (38 of 1959), Section 67 (d) (Jan) 16A

—S. 20 — Interpretation — Prosecution under the Act — Sanction from authorities mentioned in the section, not contemplated (Feb) 39

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Rajasthan General Clauses Act (8 of 1955), S. 11 — Last day for paying deposit ordered by Court being holiday deposit made on next working day — Should be deemed to have been made within time prescribed — See Limitation Act (1908), Section 12 (Apr) 112A

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Rajasthan Relief of Agricultural Indebtedness Act (28 of 1957)

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Rajasthan Revenue Courts (Procedure and Jurisdiction) Act (1 of 1951), 1st Sch. Group B, Art. 10 — Interpretation — Section 180 of U. P. Tenancy Act, 1939, cannot be referred for interpreting provisions of Article 10 — Civil Ref. No. 22 of 1953, D/- 18-12-1953 (Raj), Overruled (Jun) 169A (FB)

—1st Schedule, Group B, Art. 10 — Trespasser, meaning of — Board of Revenue following view expressed in 1955, Rajasthan Law Weekly 23 where in absence of data giving indication about intention of Legislature to contrary, literal interpretation of Article 10 was adopted — Held, it could not be said that Board was manifestly wrong in following the said decision (Jun) 169C (FB)

Rajasthan Sales Tax Act (29 of 1954)

See under Sales Tax.

Rajasthan Stamp Law (Adaptation) Act (7 of 1952)

See under Stamp Duty.

Rajasthan State Road-Transport Services (Development) Rules (1965), R. 6 — Rules under Section 68-I, Motor Vehicles Act — Hearing of objection to Scheme by State Government — Function is quasi-judicial — Delegation of function to Joint Legal Remembrancer valid — See Motor Vehicles Act (1939), S. 68-D (Aug) 233A

Rajasthan Tenancy Act (3 of 1955)

See under Tenancy Laws.

Rajasthan University Act

See under Education.

Representation of the People Act (43 of 1951), Ss. 81, 82, 84 — Election petitioner, a voter — Whether he can claim declaration that he himself or any other candidate has been duly elected

(Sep) 245B

—S. 82 — Election — Whether voter can claim that he or some one else be declared duly elected — See Representation of the People Act (1951), S. 81

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—S. 84 — Election — Whether voter can claim that he or some one else be declared duly elected — See Representation of the People Act (1951), S. 81

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—S. 87 — Civil P. C. (1908), O. 17, Rule 3 — Dismissal of election petition — Mere fact that case did not fall under Order 17, Rule 3 does not mean that decision was not on merits (Mar) 75A

—S. 87 — Civil P. C. (1908), O. 9, Rule 8 — High Court has power to dismiss election petition on non-appearance of election petitioner — AIR 1960 J & K 25 (FB) and AIR 1964 All 181, Dissent. from. (Mar) 75B

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—**Central Sales Tax Act (74 of 1956), S. 5** — Question whether transaction was made in course of export of goods outside India is a mixed question of law and fact — See Constitution of India, Art. 286 (1) (b) (Jun) 162B

—S. 15 — Rajasthan Sales Tax Act (29 of 1954), Section 5-A is not in contraven-

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tion of the section — See Sales Tax — Rajasthan Sales Tax Act (29 of 1954), Section 5-A (Jun) 162A

—**Rajasthan Sales Tax Act (29 of 1954), S. 5-A** — Section is neither ultra vires of Articles 286, 301 and 304 of the Constitution, nor is it in contravention of Section 15 of Central Sales Tax Act — Constitution of India, Articles 286, 301 and 304 — Central Sales Tax Act (1956), Section 15 (Jun) 162A

—S. 12 — Notice under — Whether gives jurisdiction to proceed for reassessment — Question of — Assessee should file writ of prohibition immediately when notice is served — Constitution of India, Article 226 — Prohibition (Jun) 162C

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—Ss. 171-A, 167 (81) — Evidence Act (1872), Section 80 — Conviction based on statement made under Section 171-A — Recording of statement in English — Failure to interpret it to illiterate accused — Conviction improper (Feb) 48A

—S. 178-A — Presumption under, when can be raised — Neither application for issue of search warrant nor search memo mentioning possession by accused of smuggled gold — Reasonable belief not proved — Presumption cannot be raised (Feb) 48B

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—Ss. 41, 42 and 10 — Injunction restraining breach of contract — Enforcement of negative covenant — Conditions essential (Aug) 212B

—S. 42 — Enforcement of negative covenant — Conditions essential — See Specific Relief Act (1877), Section 41 (Aug) 212B

Stamp Act (2 of 1899)

See under Stamp Duty.

STAMP DUTY

—**Rajasthan Stamp Law (Adaptation) Act (7 of 1952), Art. 57** — Stamp Act, (1899), Section 2 (5) (a) — In order to attract applicability of Art. 57 document itself must be mortgage deed or security bond — Promissory note and receipt though executed and given by

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way of security for performance of certain conditions, that would not make either of these documents as security bond and could not be stamped as such — (Jan) 22A

—Stamp Act (2 of 1899), S. 2 (5) (a) — See Rajasthan Stamp Law (Adaptation) Act (7 of 1952), Article 57 (Jan) 22A

—S. 35 — Admissibility or inadmissibility of document in evidence is matter of procedure — See Civil P. C. (1908), Section 115 (Dec) 313A

—Ss. 35 and 45 — Civil P. C. (1908), Section 115 — Order making document inadmissible in evidence under Sec. 35 — Order whether revisable (Dec) 313B

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—Sch. 1, Art. 1 — Acknowledgment must be stamped (Jul) 192D (FB)

—Sch. 1, Arts. 5 and 23 — Document relating to sale of truck — Document providing for payment of price in instalments and also for interest on unpaid price — Document also entitling seller to seize truck and keep it with him if instalments are not paid in time and sell it thereafter — Held, document was not exclusively agreement or memorandum of agreement relating to sale of goods falling within exemption (a) to Article 5 — Document was chargeable with duty as agreement and not as conveyance (Dec) 313C

—Sch. 1, Art. 23 — Document relating to sale of truck providing for payment of price in instalments and also for interest on unpaid price — Seller entitled to seize and keep truck if instalments are not paid and sell it thereafter — Document held was chargeable with duty as agreement and not as conveyance — See Stamp Act (1899), Sch. 1, Article 5 (Dec) 313C

—Art. 35 — In order to hold that agreement to let may be stamped as lease, it is necessary that such agreement should create actual demise (Jan) 22C

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—Rajasthan Tenancy Act (3 of 1955), S. 242 — Jurisdiction of civil Court to try suit relating to tenancy rights — Some portion of claim made in plaint triable by Civil Court and other portion triable by revenue Court — Civil Court

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can try suit and refer issue regarding claim for tenancy rights to revenue Court (Mar) 89

Transfer of Property Act (4 of 1882), S. 105 — Tenancy at will — Lease of premises — Natya Parishad — Reservation of yearly rent — Lease expressed to be at will of lessee only, by providing that it shall continue to stage dramas as long as it liked — Held, though tenancy was at the will of lessee it was equally a tenancy at will of the lessor, as it was tenancy at will — Reservation of yearly rent could make no difference (Jan) 24
 —Ss. 111 (g), 112, 113 — Determination of tenancy by "forfeiture" — Forfeiture what amounts to — Option to waive forfeiture is with lessor — Suit for eviction — Absence of plea of waiver of notice — Plea held not open to B in second appeal (Oct) 264

—S. 112 — Acceptance of rent after suit for eviction is filed — Difference in position under Section 112 and S. 113 — See Transfer of Property Act (1882), Section 111 (g) (Oct) 264
 —S. 113 — Plea of waiver not open for first time in second appeal — See Transfer of Property Act (1882), Sec. 111 (g) (Oct) 264

Wakf Act (29 of 1954), S. 5 (2) — What is final under Section 6 (4) is the "list of wakfs published under Section 5 (2)" — See Wakf Act (1954), S. 27 (Jan) 1B

—Ss. 6, 27 — Section 27 is comprehensive and is not to be read subject to Section 6 (Jan) 1A

—S. 6 (4) — List of wakfs published — Wakf Board is not divested of its jurisdiction to enquire into disputed wakfs — See Wakf Act (1954), S. 27 (Jan) 1B

—S. 27 — Section not to be read subject to Section 6 — See Wakf Act (1954), Section 6 (Jan) 1A

—Ss. 27, 6 (4), 5 (2) — Inquiry under Section 27 — List of wakfs published — Lapse of one year without filing of any suit as required by Section 6 (1) — Wakf Board is not divested of its jurisdiction to enquire into disputed wakfs (Jan) 1B

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Words and Phrases — 'Surcharge, tax' and 'fee' — Meaning of — See Electricity (Supply) Act (1948), S. 49 (Sep) 254A

RAJASTHAN SUBJECTWISE LIST OF CASES OVERRULED, REVERSED AND DISSENTED FROM, ETC., IN A.I.R. 1969

DISS.=Dissented from in; NOT F.=Not followed in; OVER.=Overruled in;
REVERS.=Reversed in

Bombay Electricity (Surcharge) Act (As Extended to Ajmer Merwara under Ajmer Merwara) (Extension of Laws) Act (19 of 1946)

- S. 3 = ('64) F. A. Appeal No. 67 of 1956, D/- 22-9-1964 (Raj) — **Revers.** AIR 1969 SC 227B (Mar).
- S. 4 — ('64) F. A. Appeal No. 67 of 1956, D/- 22-9-1964 (Raj) — **Revers.** AIR 1969 SC 227B (Mar).
- S. 6 — ('64) F. A. Appeal No. 67 of 1956, D/- 22-9-1964 (Raj) — **Revers.** AIR 1969 SC 227B (Mar).

Civil Procedure Code (5 of 1908)

- S. 151 (as amended by Madras Amendment of 1930) — AIR 1956 Raj 43 — **Diss.** AIR 1969 Andh Pra 216A (Jul).
- O. 41, R. 23 — AIR 1956 Raj 43 — **Diss.** AIR 1969 Andh Pra 216A (Jul).

Criminal Procedure Code (5 of 1898)

- S. 145 — AIR 1966 Raj 5 — **Diss.** AIR 1969 Manipur 3 (Jan).
- S. 510-A — AIR 1966 Raj 5 — **Diss.** AIR 1969 Manipur 3 (Jan).
- S. 539 — AIR 1966 Raj 5 — **Diss.** AIR 1969 Manipur 3 (Jan).
- Ss 539-A, 539-AA — AIR 1966 Raj 5 — **Diss.** AIR 1969 Manipur 3 (Jan).

Electricity Act (9 of 1910)

- S. 3 (f), Sch. Cl. (12) — ('64) F. A. No Appeal No. 67 of 1956, D/- 22-9-1964 (Raj) — **Revers.** AIR 1969 SC 227C (Mar).

Income Tax Act (11 of 1922)

- S. 72 — AIR 1966 Raj 45 — **Revers.** AIR 1969 SC 470A (Jun).
- S. 80 — AIR 1966 Raj 45 — **Revers.** AIR 1969 SC 470A (Jun).
- S. 141 — AIR 1966 Raj 45 — **Revers.** AIR 1969 SC 470A (Jun).

Limitation Act (36 of 1963)

- S. 19 — AIR 1951 Raj 74 — **Over.** AIR 1969 Raj 192A (Jul) (FB).
- S. 19 — AIR 1952 Raj 7 (FB) — **Diss.** AIR 1969 Raj 192A (Jul) (FB).

Limitation Act (contd.)

- S. 19 — AIR 1956 Raj 12 — **Diss.** AIR 1969 Raj 192A (Jul) (FB).
- Motor Vehicles Act (4 of 1939)
- S. 42 — AIR 1965 Raj 21 — **Held,** not good law in view of AIR 1965 SC 1583 as interpreted. AIR 1969 Raj 227 (Aug).
- S. 47 (1) (c) — ('68) CWP No. 35 of 1968, D/- 11-7-1968 (Raj) — **Revers.** AIR 1969 Raj 173A (Jun).
- S. 130 — AIR 1965 Raj 21 — **Held,** not good law in view of AIR 1965 SC 1583 as interpreted. AIR 1969 Raj 227 (Aug).
- S. 123 — AIR 1965 Raj 21 — **Held,** not good law in view of AIR 1965 SC 1583 as interpreted. AIR 1969 Raj 227 (Aug).
- Sch. V, Part A — AIR 1965 Raj 21 — **Held,** not good law in view of AIR 1965 SC 1853 as interpreted. AIR 1969 Raj 227 (Aug).

MUNICIPALITIES

- Ajmer Merwara Municipalities Regulation (1925)
- S. 233 — ('64) F. A. Appeal No. 67 of 1956, D/- 22-9-1964 (Raj) — **Revers.** AIR 1969 SC 227A (Mar).

Rajasthan Revenue Courts (Procedure and Jurisdiction) Act (1 of 1951)

- Sch. 1, Group B, Art 10 — ('53) Civil Ref. No. 22 of 1953, D/- 18-12-1953 (Raj) — **Over.** AIR 1969 Raj 169A (Jan) (FB).

SALES TAX

- Rajasthan Sales Tax Act (29 of 1954)
- S. 2 (o) (s) (f) — ILR (1965) 15 Raj 603 — **Revers.** AIR 1969 SC 343A (May).
- S. 3 — ILR (1965) 15 Raj 603 — **Revers.** AIR 1969 SC 343A (May).
- Rajasthan Sales Tax Rules (1955)
- ('65) Civil Writ Petn. No. 401 of 1963, D/- 3-4-1965 (Raj) — **Revers.** AIR 1969 SC 880 (Oct).
- Sales Tax Laws Validation Act (7 of 1956)
- S. 2 — ILR (1965) 15 Raj 603 — **Revers.** AIR 1969 SC 343R (May).

RAJASTHAN CASES OVERRULED, REVERSED AND DISSENTED FROM, ETC. IN A. I. R. 1969

DISS.=Dissented from in; NOT F.=Not followed in; OVER.=Overruled in;
REVERS.=Reversed in

- | | |
|---|--|
| <p>(51) AIR 1951 Raj 74 = 1950 Raj LW 284, Kanraj v. Vijaysingh — Over. AIR 1969 Raj 192A (FB) (July).</p> <p>(52) AIR 1952 Raj 7 = ILR (1951) 1 Raj 297 (FB), Hastimal v. Shankardan — Diss. AIR 1969 Raj 192A (Jul) (FB).</p> <p>(53) Civil Ref. No. 22 of 1953, D/- 18-12-1953 (Raj), Deokishan v. Bhagwan-das — Over. AIR 1969 Raj 169A (Jun) (FB).</p> <p>(56) AIR 1956 Raj 12 = ILR (1955) 5 Raj 85, Ramdayal v. Maji Deodji — Over. AIR 1969 Raj 192A (Jul) (FB).</p> <p>(56) AIR 1956 Raj 43 = ILR (1955) 5 Raj 143, Punja v. Ramlal — Diss. AIR 1969 Andh Pra 216A (Jul).</p> <p>(64) F. A. Appeal No. 67 of 1956, D/- 22-9-1964 (Raj) — Revers. AIR 1969 SC 227A, B, C (Mar).</p> | <p>(65) AIR 1965 Raj 21 = (1965) 1 Cri LJ 217, Bagh Singh v. State of Rajas-
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TRIPURA JUDICIAL COMMISSIONER'S COURT

1969

JUDICIAL COMMISSIONERS :

The Hon'ble Shri C. Jagannadhacharyulu, B.A., B.L. (up to 28-4-69).

■ ■ R. S. Bindra (From 28-4-69)

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